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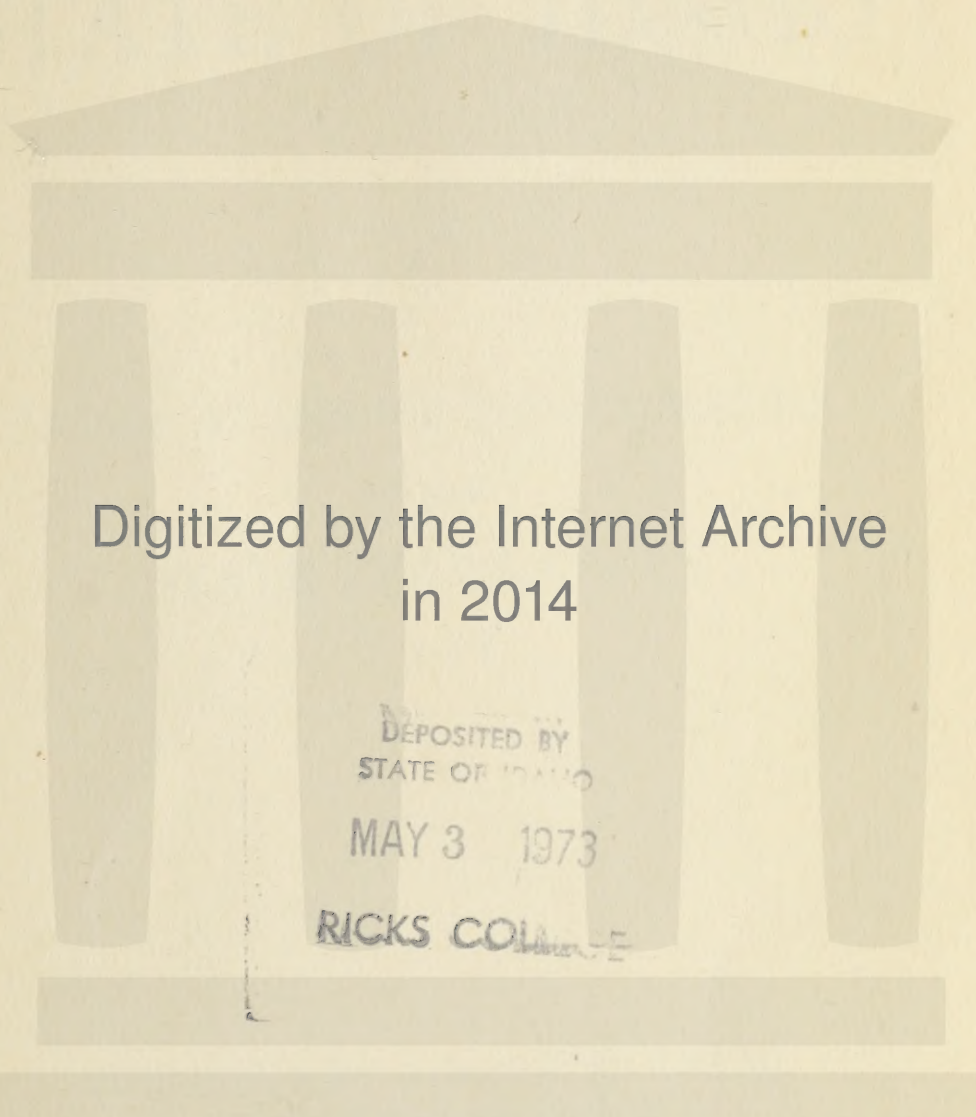


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GENERAL LAWS  
OF THE  
STATE OF IDAHO

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PASSED AT THE FIFTEENTH SESSION  
OF THE  
STATE LEGISLATURE  
1919

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PUBLISHED BY AUTHORITY OF THE  
SECRETARY OF STATE



GENERAL LAW

STATE OF IDAHO

IN SENATE

LEGISLATIVE

COMMITTEE ON

LEGISLATION



# GENERAL LAWS

OF THE

## STATE OF IDAHO

### CHAPTER 1.

(H. B. No. 1.)

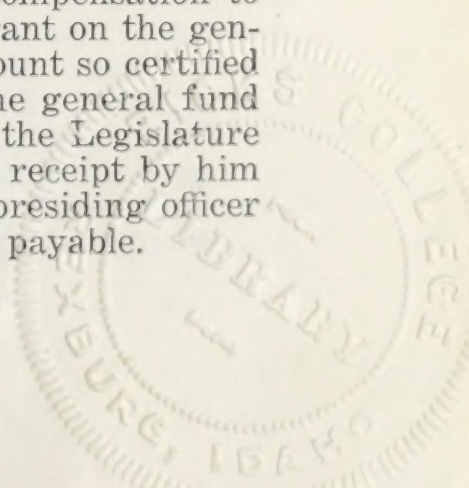
#### AN ACT

TO PROVIDE FOR THE PAYMENT OF OFFICERS, MEMBERS, AND EMPLOYEES AND FOR THE GENERAL EXPENSES OF THE FIFTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL GO INTO EFFECT IMMEDIATELY ON ITS APPROVAL.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the sum of Seventy-five Thousand Dollars (\$75,000), or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the general fund of the State Treasury not otherwise appropriated, for the purpose of paying the compensation due the officers, members, and employees, and for the general expenses of the Fifteenth Session of the Legislature of the State of Idaho, *Provided*, That after all expenses of said Fifteenth Session of the Legislature of the State of Idaho are paid, any and all money of this appropriation remaining as a surplus appropriation shall revert to the general fund of the State Treasury.

SEC. 2. That the State Auditor is hereby authorized and directed upon presentation to him of the certificate of the presiding officer of the House of which the person therein named is a member, officer or employee, that the person mentioned in the certificate is entitled to compensation to the amount therein stated to draw his warrant on the general fund of the State Treasury for the amount so certified as due, and also to draw his warrant on the general fund for the general expenses of each House of the Legislature during the said Fifteenth Session upon the receipt by him from time to time of the certificate of the presiding officer thereof stating the amount due and to whom payable.





SEC. 3. WHEREAS an emergency exists, therefore this Act shall take effect and be in force from and after its passage and after approval by the Governor.

Approved January 13, 1919.

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## CHAPTER 2.

(H. B. No. 2.)

### AN ACT

COMPILING, REVISING AND CONSOLIDATING THE GENERAL LAWS OF THE STATE OF IDAHO, REPEALING ALL LAWS NOT HEREIN CONTAINED OR HEREBY CONTINUED IN FORCE, AND DECLARING AN EMERGENCY.

(The above Act enacts the "Compiled Laws of Idaho," and is published in three separate volumes known as Volume 1, Political Code, Volume 2, Civil Code, Code of Civil Procedure, Penal Code, General Code Provisions, and Volume 3, Organic Laws, Reference Tables, Code Commissioner's Report and Index.)

Approved January 25, 1919.

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## CHAPTER 3.

(S. B. No. 6.)

### AN ACT

TO CREATE AND ORGANIZE THE COUNTY OF CLARK IN THE STATE OF IDAHO OUT OF TERRITORY NOW INCLUDED IN THE COUNTY OF FREMONT: TO CLASSIFY SAID COUNTY AND LOCATE THE PERMANENT COUNTY SEAT THEREOF: TO PROVIDE FOR OFFICERS IN SAID CLARK COUNTY: TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS AND CREDIT AND FIXED PROPERTY BETWEEN FREMONT COUNTY AND SAID CLARK COUNTY: TO PROVIDE FOR THE TRANSCRIBING OF THAT PORTION OF THE RECORDS OF FREMONT COUNTY PERTAINING TO PERSONS AND PROPERTY WITHIN CLARK COUNTY; TO CONSTITUTE THE COUNTY OF CLARK A PART OF THE NINTH JUDICIAL DISTRICT OF THE STATE OF IDAHO: TO PROVIDE FOR THE TRANSMISSION OF ALL PAPERS CONNECTED WITH ALL ACTIONS, PROSECUTIONS AND THE LEGAL PROCEEDINGS WHICH SHALL BE PENDING IN THE DISTRICT COURT AND PROBATE COURT OF FREMONT



COUNTY AFFECTING PERSONS AND PROPERTY WITH-  
IN CLARK COUNTY: AND FOR OTHER PURPOSES; AND  
DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there is hereby created and formed out of the territory at present included in the County of Fremont of the State of Idaho, a new county, to be named and called Clark County, which new county shall be organized and governed as provided by this Act and the general laws of the State of Idaho relative to the organization and government of counties.

SEC. 2. That all that portion of the State of Idaho included within the following boundaries, to-wit:

Beginning at a point on the Idaho-Montana State Line directly North of the point where the East line of Section Four (4), Township Thirteen (13) North, Range Forty-one (41) East, B. M., intersects the North Line of said Township Thirteen (13) North; thence South to the Southeast corner of Section Thirty-three (33), Township Thirteen (13) North, Range Forty-one (41) East, B. M.; thence West along the South line of said Township Thirteen (13) to the Southwest corner of Section Thirty-one (31) Township Thirteen (13) North, Range Forty (40) East, B. M.; thence South along the range line between Range Thirty-nine (39) East, B. M. and Range Forty (40) East, B. M., to its intersection with the South line of Township Twelve (12) North; thence West along the South line of said Township Twelve (12) North, to the Southeast corner of Section Thirty-three (33), Township Twelve (12) North, Range Thirty-nine (39) East, B. M.; thence South to what will be when surveyed the Southeast corner of Section Sixteen (16), Township Ten (10) North, Range Thirty-nine (39) East, B. M.; thence West to the Southeast corner of Section Thirteen (13), Township Ten (10) North, Range Thirty-eight (38) East, B. M.; thence south along the range line between Range Thirty-eight (38) East, B. M.; and Range Thirty-nine (39) East, B. M., to its intersection with the South line of Township Ten (10) North; thence West along the said south line of Township Ten (10) North to its intersection with the range line between Range Thirty-seven (37) East, B. M.; and Thirty-eight (38) East, B. M.; thence South along said range line to its intersection with the South line of Township Nine (9) North; thence west along said South line of said Township Nine (9) North to its intersection with the range line between Range Thirty-one (31) East, B. M., and Range Thirty-two (32) East, B. M.; thence



South along said range line to its intersection with the South line of Township Eight (8) North; thence West along said township line to its intersection with the range line between Range Twenty-Nine (29) East, B. M., and Range Thirty (30) East, B. M., being the East boundary line of Butte County; thence North along said range line to its intersection with the North line of Township Ten (10) North (being a point common to the Counties of Butte, Lemhi and Fremont); thence East along said township line to its intersection with the range line between Range Thirty (30) East, B. M., and Range Thirty-one (31) East, B. M., being the Southeast corner of Lemhi County; thence North along said range line to the Idaho-Montana State Line; thence Easterly along said state line to the point of beginning.

Be, and the same is hereby created and organized into the County named and to be known as the County of Clark.

SEC. 3. All that portion of Fremont County within the State of Idaho not embraced within the boundaries of said County of Clark, (as defined in Section 2 hereof), shall be and remain and constitute the County of Fremont.

SEC. 4. The Governor of the State of Idaho is hereby authorized and directed forthwith, when this Act becomes effective, to appoint for the said County of Clark, the following officers, to-wit: Three (3) County Commissioners; one (1) Sheriff; one (1) Clerk of the District Court, who shall be Ex-Officio Auditor and Recorder and Clerk of the Board of County Commissioners; one (1) County Treasurer; who shall be Ex-Officio Tax Collector and Public Administrator; one (1) County Assessor; one (1) Coroner; one (1) Surveyor; one (1) Probate Judge; one (1) Superintendent of Public Instruction; and one (1) Prosecuting Attorney, of whom the Recorder shall first qualify and the other officers so appointed shall immediately thereafter qualify in the manner now provided for by law, and enter upon the discharge of their respective duties. The officers so appointed shall hold their offices and discharge the duties thereof until their successors are elected and have qualified as is, or may hereafter be, provided by law. The Clerk of the District Court and Ex-Officio Auditor and Recorder herein provided for shall hold office until the next regular election at which such officers are elected under the laws of the State of Idaho.

The territory of said Clark County for judicial purposes and the enforcement of laws against crimes, shall be deemed to belong to the territory of the County of Fremont until the officers of said Clark County have been appointed and qualified as herein provided.



SEC. 5. The permanent county seat of said County of Clark shall be located at the Village of Dubois.

SEC. 6. For the purpose of fixing the annual salaries of the County Commissioners of said County of Clark, said County is hereby designated as a county of the fourth (4th) class. The County Commissioners of said Clark County shall provide suitable offices and places at said Village of Dubois for the accommodation and safe keeping of the papers, files, records and other personal property belonging to said County or connected with any of the officers therein, and for the proper use of the county officers of said county and for the holding of District Court therein.

SEC. 7. The County Commissioners of said Clark County shall, within five days after their qualification meet at the Village of Dubois and organize for the transaction of county business and shall at said meeting establish precincts for said county and appoint officers therefor who shall hold their respective offices from the time of their qualification until their successors are elected and qualified. *Provided, however,* That where at the general election of 1918, officers were elected in precincts as heretofore established in said territory while the same was a part of Fremont County, such officers shall continue in office for such part or all of their respective precincts as said Board of County Commissioners may prescribe, during the full term for which they were elected.

SEC. 8. Within ten (10) days after the qualification of the County Commissioners of said Clark County, the Board of County Commissioners of said County and the County of Fremont, respectively, shall meet and each Board shall appoint a competent appraiser. Said appraisers, so appointed, shall constitute an auditing board and board of appraisers, and shall within five (5) days after their appointment meet at the Village of St. Anthony, and after taking the usual oath of office shall then and there proceed to ascertain from the County records the whole amount of indebtedness, (if any) of said Fremont County, as the said County existed prior to the sub-division thereof as herein made; and shall make statement and determine the valuation of all the public property belonging to said Fremont County and report thereon; and shall compute from the assessment roll of said county for the year 1918, the total taxable property of each of said counties; and shall determine the amount of money in the possession of or under the control of the County Treasurer of Fremont County including school moneys and school funds and money belonging to municipal



corporations located within the territory of said new county; and shall make full statement and report of all of said matters and of all other matters proper to be audited and reported upon in order to make a full and satisfactory adjustment and settlement between the said counties, with their conclusion as to the amount due from the one county to the other upon the settlement of such indebtedness, (if any), and of such public property and for and on account of the money in the hands of or under the control of the County Treasurer as aforesaid; and shall file a copy of all such statements and reports and conclusions with the Board of County Commissioners of each of said counties. The indebtedness of said Fremont County, (if any), and the valuation of the public property of the said county, as determined in the manner provided in this Act and all moneys belonging to the general funds of the county, and all credits and moneys due the county from whatever sources, shall be apportioned between said counties in proportion to the assessed valuation of the taxable property of said county, as shown by the assessment roll for the year 1918. *Provided, however,* That in arriving at the valuation of the Court House and grounds located at St. Anthony aforesaid, in the statement provided for herein, said appraisers shall first determine and arrive at, and ascertain the present value of said property, and shall deduct therefrom the sum of Thirty Thousand (\$30,000) Dollars. The remainder so determined shall be considered the value of such property for the purpose of all credits and debits between said counties.

In the event of a disagreement of said appraisers as to any of the matters included in their duties as above specified and defined, the Governor of the State of Idaho shall choose a third competent person to assist them and the decision of any two shall control. In event such third person is selected, he shall not be a resident of either of the counties affected. Either of said counties, may, if dissatisfied with the statements, reports or conclusions of said appraisers, appeal to the District Court of the Ninth Judicial District of the State of Idaho. For whatever amount is found to be due from either of said counties to the other, in manner above provided, the Board of County Commissioners of the debtor county shall cause county warrants to be drawn by the County Auditor of said County for the amount so due, payable to the creditor county.

Said appraisers herein provided for shall be allowed reasonable compensation for their services, each to be paid by the county making his appointment, and in the event of a third being employed, he shall be paid by the respective



counties in proportion to the taxable property shown to exist in said counties for the year 1918. All county bridges and other fixed county property located within the boundaries of said Clark County, as herein defined, shall be and remain the property of said Clark County, and all county bridges and other fixed county property located within the boundaries of said Fremont County, as herein defined, shall be and remain the property of said Fremont County. *Provided, however,* That all such property except bridges shall be appraised and valued for the purpose of the statement herein provided for, and charged to the county within whose boundaries the same is located. Said appraisers shall as nearly as practicable divide between the respective counties equally all chattel property of the old county which is capable of division; the title to real property and tax sales certificates for real property to which the former County of Fremont shall have acquired any right, title or interest by virtue of tax deeds, tax sales certificates heretofore issued or in process of issuing shall vest in the county in which the property affected is situated.

SEC. 9. As soon as practicable after the passage of this Act, the County Recorder of Fremont County shall supervise the transcribing or photographing as may seem advisable to the Board of County Commissioners of Clark County, into permanent records all instruments, papers and other matters and things relating to or affecting property in the territory included in said County of Clark. When any of said records are completed, said County Recorder shall certify therein as to the identity and correctness of said record and shall deliver the same into the possession of the County Recorder of Clark County. *Provided,* No charge shall be made or had or charged for any certification required by this Act. Said records, when so prepared and certified, shall be official records of said Clark County as to all property, matters and things to which they refer or which they affect and shall have the same force and effect as the originals. The County Commissioners of Clark County shall employ competent persons to prepare proper indexes for said new records and the actual cost of such transcribing and indexing shall be audited and paid by the said County of Clark. Any of the records, instruments, documents, maps, plats, tax sale certificates or other papers of Fremont County which relate wholly to and cover property located entirely in Clark County, shall be certified to by the officers of said Fremont County in whose possession they now are and turned over by him to the proper officer



of Clark County without being transcribed and shall be a part of the public records of said Clark County.

Contracts for transcribing or photographing and transferring records, as herein provided for, shall be made by said County Commissioners of Clark County and all such bills shall be audited and allowed by them under said contracts.

All civil and criminal actions and causes of actions affecting persons or property of said Clark County arising in the territory herein described as Clark County before the creation thereof may nevertheless be heard, tried, adjudicated and determined by or before the proper officers of said Clark County and within said County.

SEC. 10. The County Treasurer of Fremont County shall immediately, upon the taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of his office so far as they show the unpaid taxes against person, firms, associations, corporations and property in the territory included in the County of Clark, and as soon as completed shall deliver said copy to the County Treasurer of said Clark County. Said copies of the tax rolls shall be official records of said last named county with the same force and effect as the originals thereof, and the same shall be authority for the Tax Collector of said Clark County to collect said unpaid taxes in any manner authorized by law.

SEC. 11. The County Treasurer of Fremont County shall as soon as the County Treasurer of Clark County is qualified to act, pay over to the County Treasurer of said last named County all school money in his hands belonging to the district schools and independent school districts in Clark County which have come into his possession or under his control from taxes or other revenues collected up to the time of the taking effect of this Act and shall also pay to the municipal corporations in said last named county all funds in his hands belonging to such municipal corporations; all moneys which may become due from the Federal Government to said Fremont County at the end of said Federal Government's fiscal year 1918 shall be divided between said counties in proportion and in the manner provided by Federal regulation and said Clark County shall receive its proportion of all such allotments for said year in the proportion and upon the basis prescribed by the laws and regulations of the Federal Government.

SEC. 12. Said County of Clark shall be included in and form a part of the Ninth Judicial District of the State of Idaho and the terms of the District Court for said county shall be fixed by the Judge of said Court in the manner now



provided by law for fixing terms of the District Court in this State and all actions and proceedings now pending in the District Court of Fremont County, the causes of which arose in the territory included in Clark County and which should have been brought in said last named county, had said county at the time existed, shall be transferred to said County of Clark.

SEC. 13. Upon the written application of a party interested in any of said actions or proceedings, his agents or Attorney, the Judge of said District Court shall sign in duplicate an order, directing the transfer of the actions or proceedings specified in said application, one of which orders shall be filed with the Clerk of the District Court of each of said counties.

SEC. 14. Upon the filing with him of said order for transfer, the Clerk of the District Court of Fremont County shall immediately transmit to the Clerk of the District Court of Clark County all the pleadings and other papers belonging to the files and shall make out and enclose therewith a transcript of all the record entries of the proceedings and orders had and entered on said case and an itemized statement of all costs and fees taxed or claimed therein and shall send with said files, transcript and statement his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the record entries so transcribed comprise all of the proceedings and orders in relation to said action or proceeding.

SEC. 15. Upon receipt by him of the papers in the action so transferred, the Clerk of the District Court of Clark County shall file the same and docket said cases in the same manner as though they had been originally commenced in his county and shall charge therefor no fee; but in all filings and proceedings subsequent thereto, he shall charge and collect the fees provided by law.

SEC. 16. Upon the request of a person interested in any action so transferred, his Agent or Attorney, the Clerk of the District Court of Clark County shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said County and said Fremont County in said action as shown by said transcript thereof.

SEC. 17. As soon as practicable after taking effect of this Act, the Clerk of the District Court of Fremont County shall transmit to the Clerk of said Court of Clark County the pleadings and all other papers belonging to the files in all actions determined and concluded all proceedings in the District Court of Fremont County wherein was involved or af-

fect the ownership of, or the title or right to, any real estate, water right or mining interests lying wholly in the territory now included in Clark County with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate, specifying and identifying said pleadings and papers. Where said real estate, water rights or mining interests lie partly in both of said counties, the Clerk of the District Court of Fremont County shall make and transmit to the Clerk of the District Court of Clark County with the transcript of such orders, judgments, decrees and other proceedings, duly certified copies of the pleadings and other papers, keeping the originals thereof in his own office.

SEC. 18. Upon receipt by him of the papers and transcripts mentioned in Section 16 of this Act, the Clerk of the District Court of Clark County shall file and index the same, and upon the payment of his fees therefor by any person interested shall spread in full upon the proper records of his office, the orders, decrees, judgments and other proceedings so entered in Fremont County as shown by the transcript thereof.

SEC. 19. Upon the taking effect of this Act the Clerk of the District Court of Fremont County shall prepare a list and statement of all unsatisfied judgments for the payment of money entered or filed in his office, and against which the Statute of Limitations has not run and concluded, which shall show the names of all the parties to each suit, the judgment defendants, the dates and amounts of the several judgments, with the rate of interest each bears and the amount of all costs incurred in each, and shall certify the same to the Clerk of said Court of Clark County. The Clerk of said last named county, upon receipt of such lists and statements, shall make records of such judgments in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Clark County and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed.

SEC. 20. The Probate Judge of Fremont County shall upon the taking effect of this Act transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his office which came from the territory now embraced in the County of Clark and properly belonging to the



said last named county and shall transmit to the Probate Judge of Clark County all the pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, estates or matters with certified transcript of all record entries therein; and the preceding section of this Act relating to the transfer of actions in the District Court shall, as far as applicable, govern transfer in the Probate Court, except that such transfers shall be made without any application therefor being required.

SEC. 21. That all papers, files, statements, transcripts and other records, matters and things transferred from Fremont County or any of the officers thereof, to Clark County, or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared to be a part of the legal and official records of said last named County to the same extent and effect as the originals thereof and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 22. All organized and existing school or road districts, villages and other municipalities, the whole of which is included in the territory of Clark County, created as herein provided, shall continue to be organized school and road districts, villages and municipalities, as the case may be, and become and be a part of said Clark County, and the officers thereof shall continue to be such and shall hold their offices until their successors are elected or appointed and qualify, as the case may be. In case the boundary line between the County of Fremont and the County of Clark as herein defined shall divide any established common or independent school district, such organization shall not be dissolved or disorganized thereby, but said District or Districts shall be continued, controlled and governed as nearly as practicable by the provisions of Chapter 121 of the Session Laws of the State of Idaho, 1913, and by the General Laws of the State of Idaho, relating to joint, rural and independent school districts.

SEC. 23. All laws of a general nature applicable to the several counties of this State and to the officers thereof, are hereby applied to the County of Clark and to all of the officers who may be appointed or elected therein, except as otherwise provided in this Act.

SEC. 24. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 25. Whereas, an emergency exists therefor, this Act shall take effect immediately upon its passage and approval.

Approved February 1, 1919.

**CHAPTER 4.**

(S. B. No. 2.)

**AN ACT**

TO CREATE AND ORGANIZE THE COUNTY OF JEROME IN THE STATE OF IDAHO; TO DEFINE THE BOUNDARIES THEREOF AND THE BOUNDARIES OF THE COUNTIES OF LINCOLN, GOODING AND MINIDOKA IN SAID STATE AFTER SAID COUNTY OF JEROME HAS BEEN CREATED; TO CLASSIFY JEROME COUNTY; TO DESIGNATE THE COUNTY SEAT THEREOF AT JEROME, IDAHO; TO PROVIDE FOR THE APPORTIONMENT OF THE INDEBTEDNESS OF LINCOLN, GOODING AND MINIDOKA COUNTIES BETWEEN SAID COUNTIES, RESPECTIVELY, AND JEROME COUNTY, AND TO PROVIDE FOR THE PAYMENT THEREOF; TO PROVIDE FOR THE DIVISION OF THE PROPERTY AND MONEYS OF LINCOLN, GOODING AND MINIDOKA COUNTIES, RESPECTIVELY, BETWEEN SAID COUNTIES, RESPECTIVELY, AND JEROME COUNTY; TO PROVIDE FOR THE APPOINTMENT OF THE COUNTY OFFICERS IN AND FOR JEROME COUNTY AND PRESCRIBING THEIR DUTIES; TO PROVIDE FOR THE TRANSCRIPTION AND TRANSFER OF THOSE PORTIONS OF THE RECORDS AND FILES OF LINCOLN, GOODING AND MINIDOKA COUNTIES, RESPECTIVELY, RELATING TO PERSONS AND PROPERTY WITHIN JEROME COUNTY, AND TO PRESCRIBE THE DUTIES OF THE OFFICERS OF LINCOLN, GOODING AND MINIDOKA COUNTIES IN REGARD THERETO; TO PROVIDE FOR THE ASSESSMENT OF THE PROPERTY WITHIN THE BOUNDARIES OF JEROME COUNTY FOR THE YEAR 1919, AND PRESCRIBING THE DUTIES OF THE ASSESSORS OF LINCOLN, GOODING AND MINIDOKA COUNTIES RELATING THERETO; TO CONSTITUTE JEROME COUNTY PART OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO AND TO PROVIDE FOR THE TRANSFER OF CERTAIN PROCEEDINGS NOW PENDING IN THE COURTS OF LINCOLN, GOODING AND MINIDOKA COUNTIES, RESPECTIVELY, TO THE COURTS OF JEROME COUNTY; TO PROVIDE FOR THE REPRESENTATION OF SAID COUNTY OF JEROME IN THE LEGISLATURE OF THE STATE OF IDAHO; AND FOR OTHER PURPOSES PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF THE COUNTY OF JEROME; AND REPEALING ALL ACTS AND PARTS OF ACTS INCONSISTENT WITH THIS ACT.



*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there shall be and there is hereby created and formed, out of parts of Lincoln, Gooding and Minidoka Counties in the State of Idaho, a new County, to be called Jerome County, to be organized as hereinafter provided in this Act.

SEC. 2. That all that portion of the State of Idaho included in the following boundaries, to-wit:

Beginning at the Northwest corner of Section Five (5) Township Seven (7) South, Range Sixteen (16) East Boise Meridian, thence East thirteen (13) miles, more or less, to the Northeast corner of Section Five (5), Township Seven (7) South, Range Eighteen (18) East Boise Meridian, thence south two (2) miles, more or less, to the Southwest corner of Section Nine (9), Township Seven (7) South, Range Eighteen (18) East Boise Meridian, thence east one (1) mile, more or less, to the Southeast corner of Section Nine (9), Township Seven (7) South, Range Eighteen (18) East Boise Meridian, thence south one (1) mile, more or less, to the Southwest corner of Section Fifteen (15), Township Seven (7) South, Range Eighteen (18) East Boise Meridian, thence east fifteen (15) miles, more or less, to the Northeast corner of Section Twenty-four (24), Township Seven (7) South, Range Twenty (20) East Boise Meridian, thence South three (3) miles, more or less, to the Northeast corner, Section One (1), Township Eight (8) South, Range Twenty (20) East Boise Meridian, thence east six (6) miles, more or less, to the Northeast corner of Township Eight (8) South, Range Twenty-one (21) East Boise Meridian, thence south following the range line between Ranges Twenty-one (21) and Twenty-two (22) East Boise Meridian, to the center line of Snake River, thence down the center line of the channel of said river, following its meanderings to a point where the same intersects the section line between Sections Seventeen (17) and Eighteen (18) in Township Nine (9) South, Range Sixteen (16) East Boise Meridian, thence north to the place of beginning, shall be and constitute the County of Jerome.

SEC. 3. All that portion of the present County of Lincoln within the State of Idaho, not embraced within the boundaries of the County of Jerome, as described in Section Two (2) of this Act, shall remain and constitute Lincoln County; all that portion of the present County of Gooding within the State of Idaho, not embraced within the said boundaries of the County of Jerome, shall remain and constitute Gooding County; all that portion of the present

County of Minidoka within the State of Idaho, not embraced within the said boundaries of the County of Jerome, shall remain and constitute Minidoka County.

SEC. 4. The County Seat of said County of Jerome is hereby located and declared to be the village of Jerome, Idaho.

SEC. 5. The County of Jerome is hereby declared to be a county of the fifth class.

SEC. 6. Until otherwise provided by law, the County of Jerome shall constitute a senatorial district of the State of Idaho, and shall be entitled to elect one Senator and one Representative to the Legislature, *Provided, however,* That as to the election of Senator and Representative, this Act shall not be effective until the next biennial election.

SEC. 7. The County of Jerome shall be included in and form a part of the Fourth Judicial District of the State of Idaho, and the terms of the District Court for said county shall be fixed by the judges of said court in the same manner now provided by law for fixing terms of district courts in this State.

SEC. 8. The territory of said Jerome County for judicial purposes and enforcement of the laws against crime shall be deemed to belong to the territory of the respective Counties of Lincoln, Gooding and Minidoka until the officers of said County of Jerome shall have been appointed and qualified as herein provided.

SEC. 9. All organized and existing precincts, school districts, road and highway districts, villages and other municipalities, the whole of which are included in the territory of Jerome County, shall continue to be organized precincts, school districts, road and highway districts, villages or municipalities, as the case may be, and as such be and become a part of Jerome County, and the officers thereof shall continue to be such until their successors are elected or appointed and qualified.

SEC. 10. In case the boundary lines between the Counties of Jerome and Lincoln, Jerome and Gooding, and Jerome and Minidoka respectively, shall divide any established precinct or road and highway district, such fractions of such precincts or road and highway districts shall be deemed to be and hereby are declared to be organized territory of the county in which said fractions are located, respectively, and it shall be the duty of the County Commissioners of the county in which such fractions are located to attach such fractions of former precincts and road districts to such adjoining similar subdivisions in their county, as they may de-



termine to be best. All school districts which shall be divided by the boundary line of Jerome County, are hereby declared to be joint districts of both counties, and shall be governed by the provisions of law applicable to joint districts.

SEC. 11. Within ten (10) days after this Act shall take effect, the Governor of the State of Idaho is hereby authorized and directed to appoint for the County of Jerome the following officers: Three County Commissioners; a Sheriff; a clerk of the District Court, who shall be ex-officio Auditor and Recorder and Clerk of the Board of County Commissioners; a County Treasurer, who shall be ex-officio Public Administrator, and ex-officio Tax Collector; a County Assessor; a Coroner; a Surveyor; a Probate Judge; a County Superintendent of Public Instruction, and a Prosecuting Attorney.

All of said appointees shall possess the qualifications prescribed by the general laws of the State of Idaho for such officers. Each of said officers shall perform the duties and have the powers and privileges prescribed, defined and limited by the general laws of the State of Idaho governing such officers, and in addition thereto shall do and perform the duties prescribed by this Act.

The Recorder so appointed as above provided for, shall within sixty days after his appointment qualify before a judge of the Fourth Judicial District of the State of Idaho, and the other officers shall immediately thereafter qualify in the manner now provided by law and enter upon the discharge of their respective official duties. The officers so appointed shall hold their respective offices until their successors are elected and qualified the same as if they had been elected at the regular general election held in 1918.

SEC. 12. The County Commissioners of Jerome County shall, within ten (10) days after their qualifications, as aforesaid, meet at the Village of Jerome within said county and provide suitable offices and places within the corporate limits of said village for the officers of said county, with suitable accommodations for the safe keeping of the papers, files, records and other personal property belonging to the said county or connected with any of the offices therein, and suitable places for the holding of District Court and for the care and custody of prisoners.

The said County Commissioners shall at such meeting divide said county into three (3) commissioner's districts, reorganize the unorganized subdivisions of the county as herein otherwise provided, and in general do all things necessary to systematize the business of said Jerome County and to carry out the provisions of this Act.

SEC. 13. The indebtedness of the existing counties of Lincoln, Gooding and Minidoka, respectively, at the time of taking effect of this Act, shall be apportioned and the property thereof be divided between the counties of Lincoln, Gooding and Minidoka, respectively, and Jerome County, as follows:

1. The county court houses, together with all furniture, fixtures and appurtenances thereunto belonging, and the real estate upon which the same is situated, and the county poor farms and county pest houses and grounds, shall be and remain the property of Lincoln, Gooding and Minidoka counties, respectively.

2. All county bridges and roads and other public improvements located within the boundaries of Jerome County shall be and remain the property of Jerome County without compensation therefor to Lincoln, Gooding or Minidoka counties; and all county bridges and roads and other public improvements located within the boundaries of Lincoln, Gooding and Minidoka counties, respectively, as herein defined, shall be and remain the property of said Lincoln, Gooding and Minidoka counties, respectively.

3. All taxes collected by the Assessors of Lincoln, Gooding and Minidoka counties, respectively, for the year 1919, on personal property, including migratory stock, within the territory included within Jerome County, both before and after this Act shall take effect, shall be the property of Jerome County; and such taxes so collected on property within their respective counties outside the territory included in Jerome County, shall be and remain the property of such counties respectively.

4. All other property, real, personal and mixed, belonging to the County of Lincoln, as heretofore existing, shall be divided, and all indebtedness thereof shall be apportioned between the Counties of Lincoln and Jerome, as herein defined, in the proportion that the assessed valua- of the taxable property in Lincoln County, as herein defined, and in the portion of Jerome County taken from Lincoln County as heretofore existing, as shown by the assessment roll of 1918, bears to the total assessed valuation of Lincoln County as heretofore existing; and all such property belonging to the Counties of Gooding and Minidoka, respectively, as heretofore existing, shall be divided and all indebtedness thereof apportioned between said counties, respectively, and Jerome County, in the same manner as is provided for the division of property and apportionment of indebtedness between Lincoln and Jerome Counties.



SEC. 14. All money and property which belongs to any road and highway district divided by the boundary line of Jerome County, as well as the bonded and floating indebtedness of such district, shall be divided and apportioned between the different parts thereof in the proportion that the assessed valuation of the respective parts of such district, as shown by the assessment roll of 1918, bears to the total assessed valuation of the undivided district.

SEC. 15. For the purpose of effecting the apportionment of indebtedness and division of property provided in Subdivision 4 of Section 13 and in Section 14, the following procedure is prescribed:

The Board of County Commissioners of Lincoln County and the Board of County Commissioners of Jerome County, within ten (10) days after the latter shall have qualified, shall each meet at their respective county seats and each appoint a competent accountant. The accountants so appointed shall constitute a Board of Auditors and Appraisers, and shall, within five (5) days after their appointment, meet at the Village of Shoshone, Idaho, in Lincoln County, and, after taking the usual oath of office and filing the same with the Recorder of said Lincoln County and a duplicate thereof with the Recorder of said Jerome County, shall then and there proceed to examine the county records of Lincoln County and make a full statement and report of all matters and things necessary or proper to be ascertained, audited, appraised and reported upon in order to make a complete and satisfactory adjustment and settlement between said counties with reference to the apportionment of said indebtedness and the division of said property, as of the date of the taking effect of this Act, with their conclusions as to the amounts due from one county to the other upon such settlement of said date.

The said statement and report shall be made in duplicate and certified, and one copy thereof filed with the Clerk of the Board of County Commissioners of each of said counties. When so made and filed, said appraisement, report, apportionment, and statement shall be final and binding upon both and each of said counties of Lincoln and Jerome and the respective sub-divisions thereof.

Said statement and report shall include, among other things, the following items, to-wit:

First. The total assessed valuation of all taxable property within each of said counties as shown by the assessment rolls of Lincoln County for the year 1918, and the ratio which the amount of such property within each county bears to the whole of said assessment roll.

Second. The amount of all general funds of Lincoln County in the possession or under the control of the County Treasurer of Lincoln County at the time of the taking effect of this Act, including all current expense and road and bridge funds, but not including any sinking fund or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said county; and the apportionment thereof between the counties of Lincoln and Jerome, according to the ratio of taxable property in each of the said counties established as hereinbefore provided.

Third. An appraisal of all public property, real, personal and mixed, belonging to Lincoln County at the time of the taking effect of this Act, including property mentioned in Paragraph 1 of Section 13 hereof, not hereinbefore specifically apportioned, other than the moneys and funds elsewhere in this Section referred to.

Fourth. The whole amount of the indebtedness, other than bonded, of Lincoln County, for which said county as a whole was liable at the time of the taking effect of this Act.

Fifth. An apportionment of the public property and indebtedness other than bonded indebtedness, as determined under the third and fourth clauses of this section, between the counties of Jerome and Lincoln according to the ratio of taxable property established as hereinbefore provided, charging said Jerome County with its pro rata share of the indebtedness of Lincoln County as it existed at the time of the taking effect of this Act and with Lincoln County's pro rata share of any public property within the boundaries of Jerome County, and crediting said Jerome County with its pro rata share of any public property apportioned under this Section, remaining within the boundaries of Lincoln County, and a statement of the balance found to be due from one of said counties to the other under such apportionment.

Sixth. The whole amount of the bonded indebtedness of Lincoln County, for which said county was liable at the time of the taking effect of this Act, after deducting therefrom any funds then on hand in the treasury of said county provided for the redemption thereof or the payment of interest thereon, and an apportionment thereof between the said counties of Lincoln and Jerome according to the ratio of taxable property, as hereinbefore provided.

Seventh. The amount of taxable property in the respective portions of any road districts divided by the creation of Jerome County, as shown by the assessment rolls of Lincoln



County for the year 1918, and the ratio which the amount of said property in that portion of any such district included within the boundaries of Jerome County bears to the amount of taxable property in that portion of such district remaining in Lincoln County; the amount of the indebtedness and property of any such divided road district and an apportionment thereof to the different parts in the ratio so determined.

Eighth. The amount of all moneys and funds in the possession or under the control of the County Treasurer of Lincoln County, at the time of the taking effect of this Act, belonging to any school or road district or to any town, village or other municipal corporation included within the boundaries of Jerome County, and the portion of any such moneys and funds belonging to any road district divided by the creation of Jerome County to which the segregated portion of such district is entitled according to the ratio established under the last preceding clause of this section.

Ninth. The amount of all moneys in the general school fund of Lincoln County in the possession or under the control of the treasurer of said county at the time of the taking effect of this Act, and the portion thereof to which the school districts included within the boundaries of Jerome County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made.

Tenth. A general summary of the matters and things determined by said accountants as hereinbefore specified, and a report of all other matters necessary or proper to make a full and satisfactory adjustment and settlement between said counties.

In the event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a third competent accountant to assist them, and if they cannot agree upon such third accountant, the Governor of Idaho shall, at the request of either of said accountants, appoint a disinterested citizen who shall be neither a resident of nor an owner of taxable property in either of said counties, to assist them, which third accountant, after taking the same oath of office, shall act with such accountants, and the statement and report of a majority of such board of three thus constituted, when filed as above provided, shall have the same force and effect and shall be as final and decisive as though made by the accountants originally designated.

Such accountants so appointed, as aforesaid, shall be paid

a reasonable compensation for their services rendered, to be audited, allowed and paid by their respective counties. And in case a third accountant be appointed, as herein provided, his compensation shall be audited, allowed and paid by the Board of County Commissioners of said counties equally.

The indebtedness of Gooding County shall be apportioned and its property divided between Gooding County and Jerome County by a board of accountants, to be appointed by the County Commissioners of said counties respectively, who shall be appointed and shall qualify, investigate, report and be paid therefor all in the same manner and with like effect for said counties as is hereinabove provided for the apportionment and division of the indebtedness and property between Lincoln and Jerome Counties; and the indebtedness of Minidoka County shall be apportioned and its property divided between Minidoka County and Jerome County by a board of accountants to be appointed by the County Commissioners of said counties, respectively, who shall be appointed and shall qualify, investigate, report and be paid therefor all in the same manner and with like effect for said counties as is hereinabove provided for the apportionment and division of the indebtedness and property between Lincoln and Jerome Counties, and in event of a disagreement between any of said accountants so appointed by the boards of County Commissioners, respectively, the Governor of Idaho, shall appoint a third accountant, with the qualifications, powers and duties as hereinbefore provided.

SEC. 16. For whatever amount other than the bonded indebtedness of Lincoln, Gooding and Minidoka Counties, respectively, found to be due from either of said counties to Jerome County, or vice versa, upon the apportionment of the public funds and property made by said accountants as hereinbefore provided, the boards of County Commissioners of the debtor counties shall at their first regular meeting after the filing of the said statement and report cause county warrants to be drawn by the auditors of such counties, respectively, for the amounts so due, payable to the creditor counties, respectively, which said warrants shall draw interest at the rate of seven per cent, per annum from the date of the taking effect of this Act until paid, and shall be delivered to the proper officer of the creditor counties, respectively; the amount of the bonded indebtedness of Lincoln, Gooding and Minidoka Counties, respectively, which shall be apportioned by the said accountants to Jerome County, shall be a valid and existing debt and obligation of Jerome County, and the County Commissioners of Jerome



County shall make provision for the payment of any such bonded indebtedness as apportioned to it, both principal and interest, as it becomes due by levying taxes at the time fixed by law for so doing and in the same manner as the County Commissioners of Lincoln, Gooding or Minidoka Counties, respectively, should or could have done had this Act not been passed; and such taxes when levied and collected by the proper officers of Jerome County shall be immediately paid by the Tax Collector of Jerome County to the County Treasurer of Lincoln, Gooding or Minidoka Counties, as the case may be, who shall give a proper receipt therefor, and such money so paid shall be applied to the payment of the indebtedness for which it was levied and collected by Jerome County.

Real property or any interest therein, including tax sale certificates or delinquency certificates, acquired by the former Counties of Lincoln, Gooding and Minidoka, respectively, by virtue of tax proceedings, shall vest in the county in which said property is situated, as herein defined.

SEC. 17. As soon as practicable after this Act shall take effect the County Commissioners of Jerome County shall enter into a contract with some suitable and competent person, for the transcription of all public records appertaining to real and personal property within Jerome County, then on file or recorded in the offices of the proper officers in Lincoln, Gooding and Minidoka Counties, which transcriptions shall be made in permanent books of record, to be furnished by Jerome County; and the person so transcribing such records, shall, when the same are complete, file therewith his certificate, supported by his affidavit, that such transcribed records are a full, true, complete and correct copy of all public records pertaining to real and personal property within Jerome County appearing in and upon the records of the counties aforesaid. Said records when so prepared and certified shall be the official records of Jerome County as to all property, matters and things to which they refer or which they affect, and shall have the same force and effect as the originals.

SEC. 18. The Tax Collectors of Lincoln, Gooding and Minidoka Counties, respectively, shall, immediately upon the taking effect of this Act proceed to make and certify a copy of the tax rolls of their offices so far as they show the unpaid taxes against any persons, firms, associations, corporations and property in the territory included in Jerome County; and as soon as completed shall deliver said copies to the Tax Collector of Jerome County. Said copies

of tax rolls shall be official records of Jerome County with the same force and effect as the originals thereof, and shall be authority for the Tax Collector of Jerome County to collect unpaid taxes in any manner authorized by law.

The County Assessors of Lincoln, Gooding and Minidoka Counties, respectively, shall each complete the real property assessment roll for the year 1919 separately on all property properly taxable on said roll within the portions of their counties as heretofore existing, which are included within the boundaries of Jerome County, and shall file the same in the form required by law with the Clerk of the Board of County Commissioners of Jerome County on or before the fourth Monday in June, 1919; and said assessment rolls from said assessors, together, shall constitute the real property assessment roll for 1919 of Jerome County.

The said Assessors shall each deliver to the Assessor of Jerome County, immediately upon his qualification, a full and complete statement of all personal property taxes collected by them for the year 1919 upon property located within the territory of Jerome County, and of all migratory live stock assessed by them in said territory for said year, together with all securities received by them for the payment of any such taxes, all in the form provided for by law for the personal property assessment rolls, and properly certified by them; and the Assessor of Jerome County shall proceed to complete the personal property assessment roll for Jerome County and file the same as provided by law, including therein the date so furnished him by said other assessors.

Jerome County shall make a reasonable compensation to said other counties for the expenses of such assessment by the assessors of such counties of property within the territory of Jerome County.

SEC. 19. All of the records, instruments, documents, maps, plats, tax sale certificates or delinquency certificates or other papers in the possession of any officer of Lincoln, Gooding or Minidoka Counties, respectively, which relate wholly to and cover property located entirely within Jerome County, shall be certified to by the officers of said Lincoln, Gooding and Minidoka Counties, respectively, in whose possession they now are, and by them turned over to the proper officers of Jerome County without being transcribed, and shall be a part of the public records of said Jerome County.

SEC. 20. The County Treasurers of Lincoln, Gooding and Minidoka Counties, respectively, shall, as soon as the County Treasurer of Jerome County is qualified to act, pay



over to the County Treasurer of Jerome County all school money and road money or other funds in their hands belonging to the school or road districts or fractions thereof in Jerome County which have come into their possession or control from taxes or other revenues collected up to the time of the taking effect of this Act; and shall also pay to the municipal corporations in said Jerome County all funds in their hands belonging to such corporations; and shall pay over to the County Treasurer of Jerome County all money theretofore collected upon personal property situated within the territory comprising Jerome County as taxes for the year 1919 by the assessors of said counties.

Any funds coming into the hands of the Treasurers of said Lincoln, Gooding or Minidoka Counties, respectively, after the taking effect of this Act, from any source, properly belonging to Jerome County or any of the subdivisions thereof, shall likewise be turned over to the Treasurer of Jerome County.

SEC. 21. All actions and proceedings pending in the District Court of Lincoln, Gooding or Minidoka Counties at the time of the taking effect of this Act which should have been brought in Jerome County had it existed at the time said actions or proceedings were commenced and all records and files relating thereto shall be transferred to Jerome County upon the application of any party thereto, or his attorney.

Upon the written application of any party interested in any such action or proceedings, or his attorney, the Court, or a Judge thereof at chambers, shall sign, in duplicate, an order directing the transfer of the action or proceeding, one of which orders shall be filed with the Clerk of the District Court of Jerome County and the other with the Clerk of the District Court of the county where such action has been theretofore pending.

Upon the filing with him of said order for transfer, the Clerk of the District Court of Lincoln, Gooding or Minidoka Counties, as the case may be, shall immediately transmit to the Clerk of the District Court of Jerome County all the pleadings and other papers belonging to the files in such action and shall make out and enclose therewith a transcript of all the record entries of the proceedings and orders had and entered in said case, with an itemized statement of all costs or fees taxed or claimed therein, and shall send therewith his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the papers and record entries so transmitted comprise all

the pleadings, orders and proceedings in relation to said action or proceeding.

Upon receipt by him of the papers in the actions so transferred, the Clerk of the District Court of Jerome County shall file same and docket said case in the same manner as though it had been originally commenced in his county, and shall charge no fee therefor; but in all filings and proceedings subsequent thereto he shall charge and collect the fees provided for by the General Laws of the State of Idaho.

SEC. 22. As soon as practicable after the taking effect of this Act, the Clerks of the District Courts of Lincoln, Gooding and Minidoka Counties, respectively, shall transmit to the Clerk of the District Court of Jerome County the judgment rolls and all other papers belonging to the files in all actions and proceedings in their respective courts wherein was involved or affected the ownership of or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Jerome County, together with his certificate specifying and identifying said judgment roll and papers. Where said real estate, water rights or mining interests lie partly in Jerome and partly in Lincoln, Gooding or Minidoka Counties, the Clerk of the District Court of Lincoln, Gooding or Minidoka Counties, as the case may be, shall make the transmit to the Clerk of the District Court of Jerome County duly certified copies of the judgment rolls on file in such actions or proceedings. For the making of such transcripts said clerks shall receive a reasonable compensation to be paid by the County Commissioners of Jerome County.

Upon receipt by him of said papers and transcripts, the Clerk of the District Court of Jerome County shall file and index the same, and upon the payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office the orders, decrees, judgments and other proceedings so entered in Lincoln, Gooding or Minidoka County as shown by the transcript thereof, which shall in all cases have the same validity and effect as the originals.

SEC. 23. Upon the taking effect of this Act the Clerks of the District Courts of Lincoln, Gooding and Minidoka Counties, respectively, shall prepare a list and statement of all judgments for the payment of money entered or filed in their offices affecting persons or property in Jerome County that are unsatisfied and not barred by the statute of limitations at the time this Act takes effect, which shall show the names of the parties to each suit, the judgment defendants,



the dates and amounts of the several judgments with the rate of interest each bears and the amount of all costs incurred in each, and shall certify the same to the Clerk of the District Court of Jerome County. Said last named clerk, upon receipt of such list and statements, shall make a record of such judgment in the same manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Jerome County, and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed, and shall have the same force, effect and validity as though originally entered in Jerome County.

SEC. 24. The Probate Judges of Lincoln, Gooding and Minidoka Counties, respectively, shall each, upon the qualifications of the Probate Judge of Jerome County, transfer all pending civil and criminal actions, probate and other proceedings and business pertaining to their offices and properly belonging to Jerome County, to the Probate Judge of Jerome County, and shall transmit therewith all pleadings, petitions, bonds, reports and other papers belonging to or connected with such actions, proceedings or matters with certified transcripts of all record entries therein; and the procedure prescribed in this Act relating to the transfer of actions in the District Court shall, as far as applicable, govern transfers in the Probate Court except that such transfers shall be made without any application therefor being required.

SEC. 25. The public administrators of Lincoln, Gooding and Minidoka Counties, respectively, shall deliver to the public administrator of Jerome County, upon his qualifications, all moneys, funds, property, papers and other matters and things in his possession or under his control as administrator of any estate transferred under the last preceding section of this Act, and shall thereupon make and file a full account and report of his administration to the date of such transfer, and thereafter the public administrator of Jerome County shall take charge of such estate or estates and proceed with the administration thereof.

SEC. 26. The actual cost of transcribing all records herein required to be transcribed shall be paid by Jerome County at a price to be agreed upon between the County Commissioners of Jerome County and the person with whom they contract to transcribe the same.

SEC. 27. All the papers, files, statements, transcripts and

other records, matters and things transferred from Lincoln, Gooding and Minidoka Counties, or any of the officers thereof, to Jerome County, or any of the officers thereof, pursuant to the provisions of this Act, are hereby declared to be a part of the legal and official records of Jerome County to the same extent and effect as the originals thereof, and shall be accepted and received in evidence the same as such originals without further proof.

SEC. 28. All laws of the State of Idaho of general nature, applicable to the several counties of this State and the officers thereof, are hereby made applicable to the County of Jerome.

SEC. 29. All acts and parts of acts inconsistent with this Act are hereby repealed insofar as they conflict with the provisions of this Act.

WHEREAS, as an emergency exists, this Act shall be in full force and effect upon its passage and approval.

Approved February 8, 1919.

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## CHAPTER 5.

(H. B. No. 4.)

TO CREATE AND ORGANIZE THE COUNTY OF CARIBOU IN THE STATE OF IDAHO: TO DEFINE THE BOUNDARIES THEREOF, AND OF BANNOCK COUNTY: TO CLASSIFY SAID COUNTY OF CARIBOU: TO LOCATE THE COUNTY SEAT OF SAID CARIBOU COUNTY AT SODA SPRINGS, IDAHO: TO PROVIDE FOR THE APPOINTMENT OF COUNTY OFFICERS IN AND FOR SAID CARIBOU COUNTY AND PRESCRIBING AND PROVIDING FOR THE DUTIES OF SAID OFFICERS: TO PROVIDE FOR THE APPORTIONMENT OF INDEBTEDNESS AND CREDITS BETWEEN THE COUNTIES OF BANNOCK AND CARIBOU AS HEREIN CREATED, AND FOR THE PAYMENTS OF THE SAME: TO PROVIDE FOR THE DIVISION OF THE PROPERTY OF BANNOCK COUNTY BETWEEN BANNOCK COUNTY AND CARIBOU: TO PROVIDE FOR TRANSCRIBING THAT PORTION OF THE RECORDS OF BANNOCK COUNTY APPERTAINING TO PERSONS AND PROPERTY WITHIN CARIBOU COUNTY: PROVIDING FOR THE TRANSFERRING OF THE FILES AND RECORDS OF BANNOCK COUNTY RELATING TO MATTERS AND THINGS WHOLLY WITHIN CARIBOU COUNTY: TO CONSTITUTE THE COUNTY OF CARIBOU A PART OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO: TO REPEAL ALL ACTS OR PARTS



OF ACTS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES PROPER AND INCIDENT TO THE ORGANIZATION AND CREATION OF SAID CARIBOU COUNTY, CONFERRING AUTHORITY UPON THE ELECTORS RESIDING WITHIN CERTAIN TERRITORY IN CARIBOU COUNTY HEREIN DESCRIBED TO VOTE AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER, 1920, UPON THE QUESTION WHETHER SUCH DESCRIBED TERRITORY SHALL BE DETACHED FROM CARIBOU COUNTY AND ATTACHED TO BANNOCK COUNTY; PROVIDING FOR THE HOLDING OF SUCH ELECTION, THE DETERMINATION OF THE RESULT, THE TIME OF THE SEPARATION AND THE DIVISION OF THE DEBTS OF CARIBOU COUNTY AS BETWEEN CARIBOU COUNTY AND BANNOCK COUNTY, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there shall be, and there is, hereby created and formed out of the eastern part of Bannock County, of the State of Idaho, as now constituted, a new County, to be called Caribou County, to be organized as hereinafter provided for.

SEC. 2. All that portion of the present County of Bannock, State of Idaho, included within the following boundaries, to-wit: Commencing at the Northwest corner of Township Five, South, Range Thirty-nine East, of Boise Meridian, thence East along the township line between Townships Four and Five South, Boise Meridian to the Northeast corner of Township Five South, Range Forty-six East, Boise Meridian, or to the Wyoming and Idaho State Line, thence South along the Idaho and Wyoming State Line to the corner of Bear Lake and Bannock Counties, thence in a Westerly direction along the line between Bear Lake and Bannock Counties to the Southwest corner of Township Nine South, Range Forty-two East, Boise Meridian, thence West along Township line between Nine and Ten South, Range Forty-one East, to the Southwest corner of Section Thirty-two, Township Nine South, Range Forty-one East, Boise Meridian, thence North three miles along section line to the Northwest corner of Section Twenty, Township Nine South, Range Forty-one East, thence West one mile to the Southwest corner of Section Eighteen, Township Nine South, Range Forty-one East, thence North nine miles to the Northwest corner of Section Six, Township Eight South, Range Forty-one East, thence west four miles to the Southwest corner of Section Thirty-three, Township Seven South, Range Forty East, thence North six miles *more or*

less to the Northwest corner of Section Four, Township Seven South, Range Forty East, thence West along the line of First Standard Parallel one and one-half miles to the Southwest corner of Section Thirty-one, Township Six South, Range Forty East, thence North six miles to the Northwest corner of Township Six South, Range Forty East, thence West six miles to the Southwest corner of Township Five South, Range Thirty-nine East, thence North six miles to place of beginning, shall be hereby created into the County named and to be known as the County of Caribou, and to be organized as herein provided.

SEC. 3. All that portion of Bannock County, within the State of Idaho, not embraced within the boundaries of the County of Caribou, (as defined in Section 2 of this Act), shall remain and constitute the County of Bannock.

SEC. 4. The Governor of the State of Idaho, is hereby authorized and directed within ten (10) days after this Act shall take effect, to nominate and appoint for the County of Caribou, the following officers, to-wit: Three (3) County Commissioners; one (1) Sheriff; one (1) Clerk of the District Court who shall be Ex-Officio Auditor and Recorder and Clerk of the Board of County Commissioners of the said County; one (1) County Treasurer who shall be Ex-Officio Public Administrator and Tax Collector; one (1) County Assessor; one (1) Coroner; one (1) Surveyor; one (1) Probate Judge; one (1) Superintendent of Public Instruction; one (1) Prosecuting or County Attorney. All of which officers shall possess the qualifications prescribed by the general laws of the State of Idaho, for such officers. Each of said officers shall perform the duties and have the powers and privileges prescribed, defined, and limited by the general laws of the State of Idaho, governing such officers, and in addition thereto do and perform the duties provided by the Act. The Recorder so appointed as above provided for, shall first qualify before a Judge of the Fifth Judicial District of the State of Idaho, and the other officers shall immediately thereupon enter upon the discharge of their respective official duties, and the said officers shall hold their respective offices until their successors are elected and qualified, the same as if they had been elected at the regular general election held in 1918.

The territory of the said Caribou County as herein created for judicial purposes and for the enforcement of the laws against crime, shall be part of and belong to the territory of Bannock County, until the officers, of Caribou County have been appointed and qualified as herein provided for.



SEC. 5. The County Seat of the said County of Caribou is hereby located and declared to be the City of Soda Springs, and for the purpose of fixing the annual salaries of the County Commissioners, said County of Caribou is designated as a County of the third class. The County Commissioners of the said Caribou County, shall immediately after their qualification provide suitable offices and places at the said City of Soda Springs, for the commodation and safe keeping of the papers, files, records and other personal property belonging to the said County or connected with the offices therein, and for the proper use of the county officers of the said county and for the holding of the District Court therein; and in addition to the said duties, said Commissioners shall perform and do and have the rights and privileges prescribed and limited and defined for the General Laws of the State of Idaho, relating to such offices.

SEC. 6. The County Commissioners of the said Caribou County shall, within five days after their qualification, meet at the City of Soda Springs, and organize for the transaction of county business; and shall at such meeting, divide said county into three commissioners' districts, and shall establish precincts for said county, and appoint officers therefor who shall hold their respective offices from the time of their qualification until their successors are elected and qualified; *Provided, however,* That where, at the general election of the year 1918, officers were elected in precincts heretofore established in said territory while the same was a part of Bannock County, such officers shall continue in office for such part or all of their respective precincts as the said Board of County Commissioners may prescribe, during the full term for which they were elected.

SEC. 7. For the purpose of ascertaining the value of the moneys, credits, and taxes, of the real, personal and mixed properties of Bannock County, and of the amount or amounts of bonded, floating, and other indebtedness evidenced by bonds, warrants, or orders outstanding and unpaid against Bannock County; and for the purpose of fixing the exact amount of indebtedness, both bonded and floating, to be paid by Caribou County and Bannock County, respectively, and for the purpose of ascertaining the assessed valuation of property within Bannock and Caribou Counties, and for the purpose of determining the amount of taxable property in Caribou County, and for the purpose of apportioning the indebtedness of each of the said counties, and for all other purposes as herein provided for, the Board of County Commissioners of Bannock County, and

the Board of County Commissioners of Caribou County, shall each, immediately after the taking effect of this Act, and immediately after the qualification of the commissioners of the said County of Caribou, meet and each appoint one competent accountant, who shall be a resident of the county by which he is appointed. Said accountants so appointed shall act as a board of appraisers and shall, within five days from and after their appointment, meet in the City of Pocatello, Idaho, in Bannock County, and after taking the usual oath of appraisers to well and truly and impartially appraise, estimate and determine the actual, present cash value and worth of all property, both real, personal and mixed, belonging to Bannock County, and ascertain the amount of indebtedness, both bonded, floating, or other indebtedness, of the said Bannock County, together with the amount and proportion of the same to be borne by each of the said counties, respectively; said appraisers so appointed shall immediately proceed to well and truly and impartially appraise, estimate, and determine the actual, present cash value of all real, personal and mixed property of Bannock County, and the amount of the indebtedness, both bonded, floating, or other indebtedness, and the proportionate share thereof to be paid by each of the said counties respectively. Said accountants so appointed as aforesaid, shall also constitute and be an auditing Board and Board of Appraisers, each representing the county from which he is appointed. Said accountants shall ascertain from the records or otherwise the whole amount of indebtedness, if any, of the said Bannock County, as the said county existed prior to the subdivision thereof as herein made; and the said appraisers or auditing board shall make a statement and determine the valuation of all public property belonging to Bannock County and report thereon; and shall compute from the assessment rolls from said county for the year 1918, the total taxable property of each of the said counties; and shall determine the amount of money in the possession of, or under the control of the County Treasurer of Bannock County, including school moneys, and school funds, and money belonging to municipal corporations located within the territory of said Caribou County; and shall make in duplicate, a full statement and report of all said matters and of all other matters proper to be audited and reported upon, in order to make a full and satisfactory settlement and adjustment between the said Counties of Bannock and Caribou, with their conclusion as to the amount due from one county to the other upon the settlement of such indebtedness, if any, and of such public prop-



erty, and for and on account of the money in the hands or under the control of the County Treasurer of Bannock County, as aforesaid; and shall file a certified copy of all such statements and reports and conclusions with the Clerk of the Board of County Commissioners of each of the said counties as aforesaid, with said appraisement, report, apportionment, and statement, when so made and filed, shall be final and binding upon both and each of the Counties of Bannock and Caribou. Said statement and report shall include among other things, the following items, to-wit:

First: The total assessed valuation of all taxable property within each of the said counties as shown by the assessment roll of Bannock County for the year 1918, and the ratio which the amount of such property within the boundaries of Caribou County bears to the amount of taxable property remaining in Bannock County.

Second: The amount of taxable property in the respective portions of any school or road district divided by the creation of Caribou County, as shown by the assessment roll of Bannock County for the year 1918, and the ratio which the amount of such property in that portion of any such district included within the boundaries of Caribou County, bears to the amount of taxable property in that portion of such district remaining in Bannock County.

Third: The amount of all moneys and funds in the possession or under the control of the County Treasurer of Bannock County at the time of the passage and approval of this Act, belonging to any school or road district divided by the creation of Caribou County, to which the segregated portion of such district is entitled according to the ratio established under the last preceding clause of this section.

Fourth: The amount of all moneys in the general school fund of Bannock County in possession or under the control of the Treasurer of the said County, at the time of the approval and passage of this Act, and the portion thereof to which the school districts included within the boundaries of Caribou County would be entitled under an apportionment made in accordance with the laws of this State in force at the time such apportionment is made, and also the portion of any such fund to which the segregated portion of any school district divided by the creation of Caribou County would be entitled according to the ratio established under the second clause of this section.

Fifth: The amount of all general funds of Bannock County in the possession or under the control of the County Treasurer of Bannock County at the time of the passage and

approval of this Act, including all current expense and road and bridge funds, but not including any sinking fund or warrant redemption funds accumulated for the payment of any outstanding indebtedness of said County, and the apportionment thereof between the Counties of Bannock and Caribou, according to the ratio of taxable property in each of the said counties established, as herein before provided.

Sixth: An appraisal of all public property belonging to Bannock County at the time of the passage and approval of this Act, including real estate and improvements thereon, personal property, furniture and fixtures and all other public property of the said County, not including the moneys and funds elsewhere in this section referred to.

Seventh: The whole amount of the indebtedness of Bannock County, if any, for which said county as a whole is liable at the time of the passage of this Act, including all outstanding bonds and warrants, and judgments, if any, after deducting from any such indebtedness any funds then on hand in the treasury of said County for the redemption thereof, or payment of, or interest thereon.

Eighth: An apportionment of the public property and indebtedness as determined under the sixth and seventh clauses of this section, between the Counties of Caribou and Bannock according to the ratio of taxable property established as herein before provided, charging said Caribou County with its pro rata share of the indebtedness of Bannock County as it existed at the time of the passage and approval of this Act and with Bannock County's pro rata share of any public property within the boundaries of Caribou County, and crediting said Caribou County with its pro rata share of all public property remaining within the boundaries of Bannock County, and a statement of the balance found to be due from one of the said counties to the other under such apportionment.

Ninth: A general summary of the matters and things determined by said accountants as hereinbefore specified, and of all other matters necessary or proper to make a full and satisfactory adjustment and settlement between said counties.

The indebtedness of said Bannock County, if any, and the valuation of the public property of the said County of Bannock as determined in the manner provided by this Act, and all moneys belonging to the general fund of Bannock County, and all credits and money due Bannock County from whatever sources shall be apportioned between said



counties of Bannock and Caribou in proportion to the assessed valuation of the taxable property of the said counties as shown by the assessment roll for the year 1918, as is hereinbefore provided. In event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a third competent accountant not a resident of either county, to assist them and if they cannot agree upon such third, competent accountant, the Governor of Idaho shall at the request of either said accountants, appoint one disinterested citizen who shall be neither a resident of, nor an owner of taxable property in either of said counties, to assist them, which third accountant, after taking the same oath of office, shall act with such accountants, and concurrence of a majority of such board of three thus constituted shall be decisive and control. Said accountants shall each be allowed all reasonable expenses and reasonable compensation for his services, each to be paid by the county making his appointment, and in the event of the third accountant being employed, one-half of his compensation shall be paid by each of the counties interested. For whatever amount is found to be due from either of the said counties to the other, in the manner above provided, the Board of County Commissioners of the debtor county shall cause county warrants to be drawn by the County Auditor of the said County for the amount so due, payable to the creditor county. Said accountants shall, as nearly as practicable, divide between the respective counties equally, all chattel property of the old county which is capable of division. The title to real property and tax sale certificates for real property to which the former county of Bannock shall have acquired any right, title or interest by virtue of tax deeds, or tax sales heretofore made, shall vest in the county in which the property affected is situated.

SEC. 8. As soon as practicable after the passage of this Act, the County Recorder of Bannock County, under instructions from the Commissioners of Caribou County, shall transcribe or cause to be transcribed from the records of his office, into permanent records, all instruments, papers, and other matters and things relating to or affecting property in the territory included in the said County of Caribou. When any of the said records are completed, said County Recorder shall certify therein as to the identity and correctness of said records and deliver the same into the possession of the County Recorder of Caribou County. Said records when so prepared and certified, shall be official records of the said Caribou County as to all property matters

and things to which they refer or which they affect, and shall have the same force and effect as the original. The County Commissioners of Caribou County shall employ competent persons to prepare proper indexes for said new records, and the actual cost of said transcribing and indexing shall be audited and paid for by the County of Caribou. Any of the records, instruments, documents, maps, plats, tax sale certificates, or other papers of Bannock County in the possession of any officer of Bannock County which relates wholly to, and cover property located entirely in Caribou County shall be certified to by the officers of the said Bannock County in whose possession they are, and by him turned over to the proper officer of Caribou County without being transcribed and shall be a part of the public records of the said Caribou County. Compensation for the transcribing and transferring of records as in this section provided, shall be such sum or sums as may be deemed reasonable by the County Commissioners of Caribou County, and said bills when properly presented shall be audited and paid by the Commissioners of Caribou County.

SEC. 9. The County Assessor of Bannock County shall immediately upon the taking effect of this Act, proceed to make and certify to a copy of all the tax rolls of his office so far as they show the unpaid taxes against persons, firms, associations, corporations, and property in the territory included in the County of Caribou, and as soon as completed, shall deliver said copy to the County Assessor of the County last named. Said copies of the tax roll shall be official records of the said last named county with the same force and effect as the originals thereof, and the same shall be authority for the tax collector of the said Caribou County to collect unpaid taxes in any manner authorized by law. All tax certificates, maps, tax rolls, or other paraphernalia or records which affect only the title to lands or property or real estate within Caribou County, shall also be certified by the Recorder of Bannock County, to the Recorder of Caribou County. And said records when so certified shall be the official records of Caribou County, the same as if the same were original records.

SEC. 10. The County Treasurer of Bannock County shall, as soon as the County Treasurer of Caribou County is qualified to act, pay over to the County Treasurer of the said last named county all school money and road money, or other funds in his hands belonging to the District Schools and Independent School Districts, and road districts or fraction thereof in Caribou County, which has come into his possession or under his control from taxes or other revenues col-



lected up to the time of the taking effect of this Act, and shall pay to the municipal corporations in the said last named county all funds in his hands belonging to such municipal corporations; and all moneys which may become due from the Federal Government to the said Bannock County at the end of the said Federal Government fiscal year, 1918, shall be divided between the said counties in proportion to the assessable property in each county for the year 1918.

SEC. 11. The said County of Caribou shall be included and form a part of the Fifth Judicial District of the State of Idaho, and the terms of the District Court for said County shall be fixed by the Judge or Judges of said Court in the manner now provided by law for fixing terms of the District Court, in this State, and all actions and proceedings now pending in the District Court of Bannock County, the causes of which arose in the territory included in Caribou County, or affecting the title to land situated in Caribou County, and which should have been brought in said last named county, had said county at that time existed, shall be transferred to the said County of Caribou on application of any person or persons, his agent or attorney interested in said proceedings or actions.

SEC. 12. Upon the written application of a party interested in any of said actions or proceedings, his agent or attorney, the Judge of said District Court shall sign, in duplicate, an order directing a transfer of the actions or proceedings specified in said application, one of which orders shall be filed with the Clerk of the District Court of each of said counties.

SEC. 13. Upon filing with him of said order for transfer, the Clerk of the District Court of Bannock County shall immediately transmit to the Clerk of the District Court of Caribou County all the pleadings and other papers belonging to the files and shall make out and enclose therewith a transcript of all the record entries of the proceedings and orders had and entered on said case, and an itemized statement of all costs and fees taxed or claimed therein, and shall send with said files, transcript, and statement, his certificate specifying and identifying the several pleadings and other papers so transmitted and stating that the record entries so transcribed comprise all the pleadings and orders in relation to said action or proceedings.

SEC. 14. Upon receipt by him of the papers in the action so transferred, the Clerk of the District Court of Caribou County shall file the same and docket said cases in the same manner as though they had been originally commenced in

his county and shall charge no fee therefor; but in all filings and proceedings subsequent thereto, he shall charge and collect the fees provided for by the general laws of the State of Idaho.

SEC. 15. Upon request of a person interested in any action so transferred, his agent or attorney, the Clerk of the District Court of Caribou County shall spread in full upon the proper records of his office the proceedings and orders theretofore entered in said county in said action as shown by the said transcript thereof.

SEC. 16. As soon as practical after the taking effect of this Act, the Clerk of the District Court of Bannock County shall transmit to the Clerk of the said Court of Caribou County the pleadings and all other papers belonging to the files in all actions or proceedings in the District Court of Bannock County wherein was involved the ownership of, or the title or right to any real estate, water rights or mining interests lying wholly in the territory now included in Caribou County with a certified transcript of all orders, decrees, judgments and other proceedings in each of said actions or proceedings, as shown by the records of his office, and shall include therewith his certificate, specifying and identifying said pleadings and papers. Where said real estate, water rights or mining interests lie partly in both of said counties, the Clerk of the District Court of Bannock County shall make and transmit to the Clerk of the District Court of Caribou County, with the transcript of such orders, judgments, decrees and other proceedings, duly certified copies of the originals thereof in his own office, for making of such transcripts, said Clerk shall receive a reasonable compensation to be authorized and paid by the County Commissioners of Caribou County.

SEC. 17. Upon receipt by him of the papers and transcripts mentioned in Section 16 of this Act, the Clerk of the District Court of Caribou County shall file and index the same, and upon payment of his fees therefor by any person interested, shall spread in full upon the proper records of his office, the orders, judgments, decrees, and other proceedings so entered in Bannock County as shown by the transcript thereof, which shall, in all cases have the same validity and effect as the originals.

SEC. 18. Upon taking effect of this Act the Clerk of the District Court of Bannock County shall prepare a list and statement of all the unsatisfied judgments for the payment of money entered or filed in his office at any time since the first day of January, 1914, affecting persons or property in



said Caribou County, which shall show the names of the parties to each suit, the judgment defendants, the dates and amounts of the several judgments, with the rate of interest each bears and the amount of all costs incurred in each, and shall certify the same to the Clerk of Caribou County. The Clerk of the last named county, upon receipt of such lists and statements, shall make records of such judgments in the manner as though they had been originally entered in his office. Said judgments shall be enforceable by execution issued by the Clerk of Caribou County, and all liens created thereby and existing at the time of the passage of this Act shall continue and be preserved against the same property and for the same length of time as though this Act had not been passed, and shall have the same force, effect and validity as though originally entered in Caribou County.

SEC. 19. The Probate Judge of Bannock County shall upon taking effect of this Act, transfer all pending civil and criminal actions and all unsettled estates of deceased persons and matters of guardianship and other business pertaining to his office which came from the territory now embraced in the County of Caribou and property belonging to said last named county, and shall transmit to the Probate Judge of Caribou County all the pleadings, petitions, bonds, reports, and other papers belonging to or connected with such actions, estates, or matters with certified transcripts of all record entries therein; and the preceding section of this Act relating to the transfer of actions in the District Court shall, as far as applicable, govern transfers in the Probate Court, except that such transfer shall be made without application therefor being required.

SEC. 20. That all papers, files, statements, transcripts, and other records, matters and things transferred from Bannock County or any officers thereof to Caribou County, pursuant to the provisions of this Act are hereby declared to be a part of the legal and official records of the said last named county to the same extent and effect as the originals thereof, and shall be accepted and received in evidence the same as such originals without further proofs.

SEC. 21. All the laws of a general nature applicable to the several counties are hereby applied to the County of Caribou and to all of the officers who may be appointed or elected therein except as otherwise provided in this Act.

SEC. 22. All organized and existing school districts and road districts, villages and other municipalities, the whole of which are included in the territory of Caribou County, created as herein provided, shall continue to be organized

school and road districts, villages and municipalities as the case may be, and become and be a part of said Caribou County, and the officers thereof shall continue to be such, and hold their offices until their successors are elected, appointed or qualified, as the case may be. In case the boundary line between the counties of Bannock and Caribou shall divide any established, precinct, school or road district, all such fractions of the former precincts, school or road districts, shall be deemed unorganized territory, and it shall be the duty of the County Commissioners of the county in which such fractions are situated, to attach such fractional parts of precincts, school or road districts, to adjoining precincts, school or road districts, in their county, as they may determine to be the best and in case of a school district to attach the same to another district in the county or create a new district as a majority of the legal voters thereof may petition, and all money or property which shall belong to any shcool or road district which shall be divided, shall be apportioned to the different parts thereof by appraisers appointed as provided by this Act, and according to the assessed valuation of such school or road district and the separate fractions thereof in each of said counties.

SEC. 23. At the general election to be held in November, 1920, the qualified electors of the State of Idaho who shall have resided for a period of ninety days next preceding such election in the territory hereinafter described, shall have the right to vote upon the question of whether such described territory shall be detached from Caribou County and be added to Bannock County.

SEC. 24. The territory within which resident electors shall exercise the right to vote, as provided in Section 23 of this Act is described as follows: Beginning at the Southeast corner of Section Thirty-six (36), Township Seven (7) South, Range Forty (40) East, Boise Meridian; thence West Four (4) miles to the Southwest corner of Section Thirty-three (33), Township Seven (7) South, Range Forty (40) East, Boise Meridian; thence North Six (6) miles to the Northwest corner of Section Four (4), Township Seven (7) South, Range Forty (40) East, Boise Meridian; thence west along the First Standard Parallel one and one half ( $1\frac{1}{2}$ ) miles to the Southwest correction corner of Section Thirty-one (31), Township Six (6) South, Range Forty (40) East, Boise Meridian; thence North Six (6) miles to the Northwest corner of Township Six (6) South, Range Forty (40) East, Boise Meridian; thence West six (6) miles to the Southwest corner of Township



Five (5) South, Range Thirty-nine (39) East, Boise Meridian; thence North six (6) miles to the Northwest corner of Township Five (5) South, Range Thirty-nine (39) East; thence East along the township line between Townships Four (4) and Five (5) South, Boise Meridian, to the Northeast corner of Section One (1), Township Five (5), Range Forty (40) East; thence South twelve (12) miles to boundary line between Townships Six (6) and Seven (7) South; thence West along the line of the First Standard Parallel approximately one-half ( $\frac{1}{2}$ ) mile to the Northeast corner of Section One (1), Township Seven (7) South, Range Forty (40) East, Boise Meridian; thence South six (6) miles to the place of beginning.

SEC. 25. The County Commissioners of Caribou County shall, at the proper time, provide a polling place in the territory described in the preceding section of this Act, at which the resident electors may vote in the general election to be held in November, 1920, for state and county officers and on all questions which may be submitted to them for their vote at such election, including the question of the detaching of the described territory from Caribou County and attaching the same to Bannock County.

SEC. 26. It shall be the duty of the County Auditor of Caribou County to prepare, for the use of the resident electors of the territory herein described a suitable ballot upon which shall be printed a description of the territory proposed to be detached from Caribou County and added to Bannock County, as herein authorized, and the question for detachment from Caribou County and attachment to Bannock County, so that the vote may indicate his answer thereto as "Yes" or "No".

SEC. 27. The result of the election in so far as the said question is concerned shall be determined in the same manner as all other questions submitted at the said election, and if a majority of the electors residing within the territory herein described vote in favor of annexation to Bannock County, the said described territory shall on the second Monday of January, 1921, become a part of Bannock County. The result of the said election shall be certified by the County Auditor and Recorder of Caribou County to the County Auditor and Recorder of Bannock County and to the Secretary of State.

SEC. 28. The County Commissioners of the Counties of Caribou and Bannock shall jointly arrange for the payment by Bannock County of that proportion of the bonded and floating indebtedness of Caribou County on the second Mon-

day of January, 1921, which the assessed valuation of the territory detached from Caribou County bears to the total assessed valuation of Caribou County upon the assessment rolls of said county for the year 1920.

SEC. 29. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 30. WHEREAS, an emergency exists therefor, this Act shall take effect immediately upon its passage and approval.

Approved February 11, 1919.

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## CHAPTER 6.

(S. B. No. 10.)

### AN ACT

AMENDING SECTION 2315 OF THE COMPILED LAWS OF IDAHO, RELATING TO POWERS OF MUNICIPAL CORPORATIONS ISSUING MUNICIPAL COUPON BONDS; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2315 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Section 2315. Every municipal corporation incorporated under the laws of the Territory of Idaho or the State of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time in aggregate *ten (10)* per cent of the assessed full cash valuation of the real estate and personal property in said municipal corporation, according to the assessment of the preceding year, for any or all of the purposes specified in the following Sections 2315a to 2315g inclusive.

SEC. 2. Whereas an emergency exists therefor, this Act shall be in force and effect on and after its passage and approval.

Approved February 13, 1919.



**CHAPTER 7.**

(H. B. No. 47.)

**AN ACT**

TO AMEND SECTION 2146a OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2146a of the Compiled Laws of Idaho be, and the same is hereby amended to read as follows:

Section 2146a. It shall be the duty of the Board of County Commissioners in each of the Counties of the State to cause to be interred the body of any honorably discharged soldier, sailor, or marine who served in the army or the navy of the United States during the late Civil War, or in the war with Mexico, or in the Spanish-American war and the Philippine insurrection, or *in the war with Germany and its allies*, and the wives or widows of such soldiers, sailors, or marines who shall hereafter die without leaving means sufficient to defray funeral expenses, but the expense of such funeral shall not in any case exceed the sum of \$75.00. If the deceased has relatives or friends who desire to conduct the burial, who are unable to pay the charges thereof, the said expenses, not to exceed the sum of \$75.00 shall be paid to them or their relatives by the County Treasurer from the current expense fund of the County upon due proof of the death and burial of any person provided for by this section, and proof of expenses incurred.

SEC. 2. Whereas an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval.

Approved February 13, 1919.

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**CHAPTER 8.**

(S. B. No. 19.)

**AN ACT**

IN RELATION TO THE CIVIL ADMINISTRATION OF THE STATE; VITALIZING ARTICLE IV, SECTION 5, OF THE CONSTITUTION OF THE STATE BY CONFERRING UPON THE GOVERNOR THE POWER AND RESPONSIBILITY OF

CONDUCTING THE PRINCIPAL DEPARTMENTS OF THE STATE GOVERNMENT HERETOFORE CREATED BY LEGISLATIVE ENACTMENT (OTHER THAN ELECTIVE CONSTITUTIONAL OFFICES AND THE DEPARTMENT OF EDUCATION); CREATING THE DEPARTMENTS OF (1) AGRICULTURE, (2) COMMERCE AND INDUSTRY, (3) FINANCE, (4) IMMIGRATION, LABOR AND STATISTICS, (5) LAW ENFORCEMENT, (6) PUBLIC INVESTMENTS, (7) PUBLIC WELFARE, (8) PUBLIC WORKS AND (9) RECLAMATION; PRESCRIBING THEIR ORGANIZATION, POWERS AND DUTIES, THEIR CO-ORDINATION AND INTER-RELATION; ABOLISHING CERTAIN ADMINISTRATIVE OFFICES, BOARDS, COMMISSIONS, ARMS AND AGENCIES OF THE STATE GOVERNMENT AND CONFERRING THEIR FUNCTIONS UPON THE DEPARTMENTS HEREIN CREATED; REPEALING THE FOLLOWING SECTIONS OF THE COMPILED LAWS OF IDAHO: 86; 12:1; 13:1, 2, 3; 786 TO 788 INC.; 49:2, 3, 6; 794; 63:1 TO 4 INC. 63:4a AND 63:5; 1080, 1081, 1082, 1083, 1084; 1086b; 65:4 TO 6 INC. AND 65:10; 1153 TO 1159 INC.; 1163; 1164; 77:1 TO 5 INC.; 77:7 AND 8; 79:1 TO 5 INC.; 79:7 TO 9 INC.; 1310 TO 1313 INC.; 1313a; 1314; 1315; 1317; 1329; 1330a; 1330b; AND 1330d; 1341; 1343; 1357 TO 1359 INC.; 1366; 1367; 1374; 1374a TO 1374e INC.; 1376; 1385 TO 1388 INC.; 88:1 TO 3 INC.; 90:1 TO 4 INC.; 91:1; 92:1 TO 9 INC.; 1401; 109:1; 117:1 TO 7 INC.; 117:9; 117:10; 117:13 TO 15 INC.; 126:1 TO 6 INC.; 220:1 TO 7 INC.; 220:11 TO 13 INC.; 223:1 TO 9 INC.; 256:76, 85 AND ALL OTHER INCONSISTENT LEGISLATION AND AMENDING SECTIONS 274; 339; 349; 77:6; 1562; 1564a; 123:1; 1613; 132:6; 132:7; 256:82; 256:83.

*Be It Enacted by the Legislature of the State of Idaho:*

## ARTICLE I.

### *Organization of Civil State Departments.*

SECTION 1. *Gubernatorial Responsibility.* The supreme executive power of the state is vested by the Constitution, Article IV, Section 5, in the Governor, who is expressly charged with the duty of seeing that the laws are faithfully executed. In order that he may exercise a portion of the authority so vested and in addition to the powers now conferred upon him by law, civil administrative departments are hereby created, through the instrumentality of which the governor is authorized to exercise the functions in this chapter assigned to each department, respectively.

SEC. 2. *Departments Enumerated.* Civil administrative departments of the state government are created as follows:



1. Department of Agriculture.
2. Department of Commerce and Industry.
3. Department of Finance.
4. Department of Immigration, Labor and Statistics.
5. Department of Law Enforcement.
6. Department of public Investments.
7. Department of Public Welfare.
8. Department of Public Works.
9. Department of Reclamation.

SEC. 3. *Heads of Departments.* Each department shall have an officer at its head who shall be known as a commissioner, who shall, subject to the provisions of this Act, execute the powers and discharge the duties vested by law in his department.

SEC. 4. *Heads of Departments Enumerated.* The following officers are created:

Commissioner of Agriculture, for the Department of Agriculture.

Commissioner of Commerce and Industry, for the Department of Commerce and Industry.

Commissioner of Finance, for the Department of Finance.

Commissioner of Immigration, Labor and Statistics, for the Department of Immigration, Labor and Statistics.

Commissioner of Law Enforcement, for the Department of Law Enforcement.

Commissioner of Public Investments, for the Department of Public Investments.

Commissioner of Public Welfare, for the Department of Public Welfare.

Commissioner of Public Works, for the Department of Public Works.

Commissioner of Reclamation, for the Department of Reclamation.

SEC. 5. *Other Departmental Officers.* In addition to the commissioners of departments, the following executive and administrative officers enumerated after the name of each department respectively, are hereby created.

*In the Department of Agriculture.*

Director of Markets.

Director of Animal Industry.

Director of Plant Industry.

Director of Fairs.

*In the Department of Commerce and Industry.*

Assistant Commissioner of Commerce and Industry.

Director of Banking.

Director of Insurance.

Manager of State Industrial Insurance.

*In the Department of Law Enforcement:*

Fish and Game Warden.

*In the Department of Public Welfare:*

Public Health Adviser.

*In the Department of Public Works:*

Director of Highways.

*In the Department of Reclamation:*

Director of Water Resources.

Each of the above-named officers shall be under the direction, supervision and control of the commissioner of the respective department to which he is assigned and shall perform such duties as such commissioner shall prescribe.

SEC. 6. *Board of Agricultural Advisers.*

An advisory and non-executive board is created in the Department of Agriculture, designated a Board of Agricultural Advisers, composed of nine persons, the members of which shall be officers.

SEC. 7. *Special Qualifications Required of Certain Officers.*

*In the Department of Agriculture:*

The Board of Agricultural Advisers shall be composed of representative citizens engaged in various agricultural pursuits throughout the state, not excluding representatives of the agricultural press and of the State Agricultural Experiment Station.

*In the Department of Commerce and Industry:*

Neither the Commissioner of Commerce and Industry nor any director in his department shall be the owner or financially interested either directly or indirectly in any banking or insurance corporation subject to the supervision of the department.

The Commissioner of Commerce and Industry shall have had at least five years' practical experience in the banking



business, or shall have served for a like period in the banking department of this or some other state.

The Director of Insurance shall have had at least five years' practical experience in the insurance business.

*In the Department of Law Enforcement:*

Neither the commissioner, nor any other executive or administrative officer in the Department of Law Enforcement, shall hold a license or certificate to exercise or practice any of the professions, trades or occupations regulated or licensed by said department.

*In the Department of Public Investments:*

The Commissioner of Public Investments shall have had at least five years' practical experience in the banking or investment business.

*In the Department of Public Welfare:*

The Public Health Adviser shall be a person experienced in the practice of public health and sanitation and authorized under the laws of this state to practice medicine and surgery.

*In the Department of Public Works:*

The director of highways shall be a civil engineer of not less than five years' experience in road building.

*In the Department of Reclamation:*

The Director of Water Resources shall be an hydraulic engineer with not less than five years' experience in the practice of irrigation engineering.

SEC. 8. *Powers of Agricultural Advisers.* The Board of Agricultural Advisers, shall, with respect to its field of work and that of the Agricultural Department with which it is associated, have the following powers and duties:

1. To consider and study the entire field; to advise the executive officers of the department upon their request; to recommend, on its own initiative, policies and practices, which recommendations the executive officers of the department shall duly consider, and to give advice or make recommendations to the Governor and the Legislature when so requested, or on its own initiative.

2. To investigate the conduct of the work of the department with which it may be associated, and for this purpose to have access, at any time, to all books, papers, documents, and records pertaining or belonging thereto, and to require

written or oral information from any officer or employee thereof.

3. To adopt rules, not inconsistent with law, for its internal control and management, a copy of which rules shall be filed with the commissioner of the department with which such board is associated.

4. To hold meetings at such times and places as may be prescribed by the rules, not less frequently, however, than quarterly.

5. To act by a sub-committee, or by a majority of the board, if the rules so prescribe.

6. To keep minutes of the transaction of each session, regular or special, which shall be public records and filed with the commissioner of the department.

7. To give notice to the Governor and to the commissioner of the department with which it is associated of the time and place of every meeting, regular or special, and to permit the Governor and the commissioner of the department to be present and to be heard upon any matter coming before such board.

SEC. 9. *Salaries.* The commissioner of each department shall receive an annual salary of \$3,600, payable in equal monthly instalments. Other officers shall receive such salaries as shall be fixed by the commissioner of the department, with the approval of the Governor, not exceeding the amount appropriated by the Legislature therefor.

SEC. 10. *No Compensation for Advisory Boards.* No member of an advisory and non-executive board shall receive any compensation.

*Officers to Devote Entire Time to Official Duties.*

Each executive and administrative officer shall devote his entire time to the duties of his office and shall hold no other office or position of profit: *Provided*, That an elective state officer may be appointed to any office herein created, in which event he shall receive no salary other than by virtue of his elective office.

SEC. 11. *Appointment of Officers.* All officers created by this Act shall be appointed by the Governor, and, except those who under the Constitution are appointed for specified terms may be removed in his discretion.

SEC. 12. *Bonds of Commissioners.* The commissioner of each department shall before entering upon the discharge of the duties of his office, give an official bond, with



security to be approved by the Governor, in such penal sum as shall be fixed by the Governor, not less in any case than \$5,000, conditioned for the faithful performance of his duties. *Provided, however,* That the Commissioner of Commerce and Industry, before entering the duty of his office, shall take and subscribe an oath to faithfully discharge the duties of such office and shall execute to the State of Idaho a bond in the sum of \$50,000.00 in some Surety Company authorized to do business in this state, conditioned that he will faithfully and impartially discharge the duties of his office and pay over to the persons entitled by law to receive it, all money coming into his hands by virtue of his office, and conditioned further for the payment of any and all damages and costs that may be adjudged against him under the provisions of this chapter, the cost of which bond shall be a charge against the state, to be audited and allowed as other claims, and which bond shall be approved by the Governor.

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## ARTICLE II.

### *Conduct of Departments.*

SEC. 13. *Administrative Rules.* The commissioner of each department is empowered to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 14. *Offices.* Each department shall maintain a central office at the Capitol. The commissioner of each department may in his discretion and with the approval of the Governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 15. *Seal.* Each department shall adopt and keep an official seal.

SEC. 16. *Employees.* Each department is empowered to employ necessary employees, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation.

SEC. 17. *Bonds of Employees.* The commissioner may require an official bond in such sum and with such security as he deems necessary from any officer or any employee of his department.

SEC. 18. *Hours for Service.* All employees in the several departments shall render not less than seven hours of labor each day, Saturday afternoons, Sundays and holidays excepted in cases in which, in the judgment of the commissioner, the public service will not thereby be impaired.

SEC. 19. *Annual Leave.* Each employee in the several departments shall be entitled during each calendar year to only 14 days' leave of absence with full pay.

SEC. 20. *Compensation in Full for Public Service.* No employee in the several departments, employed at a fixed compensation, shall be paid for any extra service, unless expressly authorized by law.

SEC. 21. *Reports.* Each commissioner of a department shall annually on or before the 1st day of December, and at such other times as the Governor may require, report in writing to the Governor concerning the condition, management and financial transactions of his respective department.

SEC. 22. *Co-operation of Departments.* The Governor shall devise a practical and working basis for co-operation and co-ordination of work, eliminating duplication and over-lapping of functions. All departments shall, so far as practicable, co-operate with each other in the employment of services and the use of quarters and equipment. The commissioner of any department may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates.

Whenever in this Act power is vested in a department to inspect, examine, secure data or information, or to procure assistance from another department, a duty is hereby imposed upon the department upon which demand is made, to make such power effective.

SEC. 23. *Gross Receipts Payable Into Treasury.* The gross amount of money received by every department, from whatever source, belonging to or for the use of the State, shall be paid into the State Treasury, without delay without any deduction on account of salaries, fees, costs, charges, expenses or claim of any description whatever and shall be credited to such fund or funds as are now or may hereafter be designated by law for the deposit thereof. No money belonging to, or for the use of, the State shall be expended or applied by any department except in consequence of an appropriation made by law and upon the warrant of the Auditor.



SEC. 24. *Requisition to Make Funds Available.* Each department shall, before an appropriation to such department becomes available for expenditure, prepare and submit to the Department of Finance an estimate of the amount required for each activity to be carried on, and accounts shall be kept and reports rendered showing the expenditures for each such purpose.

SEC. 25. *Departments Successors to Abolished Offices.* Whenever rights, powers and duties, which have heretofore been vested in or exercised by any officer, board, commission, institution or department, or any deputy, inspector or subordinate officer thereof, are, by this Act, transferred, either in whole or in part, to or vested in a department created by this Act, such rights, powers and duties shall be vested in, and shall be exercised by, the department to which the same are hereby transferred, and not otherwise, and every act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the former officer, board, commission, institution or department, or any deputy, inspector or subordinate officer thereof. Every person shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties were exercised by the officer, board, commission, department, or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this Act. Every person shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in, the exercise of such right, power or duty by the officer, board, commission, or institution, or deputy, inspector or subordinate thereof, designated in the respective laws which are to be administered by departments created by this Act. Every officer and employee shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties devolved upon him under this Act. All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers and duties so transferred to or vested in a department created by this act, shall be delivered and transferred to the department succeeding to such rights, powers and duties.

Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon any officer, board, commission, or institution, or deputy, inspector or subordinate thereof, abolished by this Act, the same shall be made, given, furnished, or served in the same manner to or upon the department upon which are devolved by this Act the rights, powers and duties now exercised or discharged by such officer, board, commission or institution, or deputy, inspector or subordinate thereof; and every penalty for failure so to do shall continue in effect.

This Act shall not affect any Act done, ratified or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this Act takes effect; but such actions or proceedings may be prosecuted and continued by the department having jurisdiction, under this Act, of the subject matter to which such litigation or proceeding pertains.

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### ARTICLE III.

#### *Powers and Duties of Departments.*

SEC. 26. *Department of Agriculture.* The Department of Agriculture shall have power:

1. To exercise the rights, powers and duties vested by law in the State Board of Agriculture, its President, Secretary and Treasurer.
2. To exercise the rights, powers and duties vested by law in the Director of Farm Markets.
3. To exercise the rights, powers and duties vested by law in the State Board of Horticultural Inspection, its President and Secretary.
4. To exercise the rights, powers and duties vested by law in the State Horticultural Inspector and his deputies.
5. To exercise the rights, powers and duties vested by law in the State Bee Inspector and his deputies.
6. To exercise the rights, powers and duties vested by law in the State Livestock Sanitary Board, its President and Secretary.
7. To exercise the rights, powers and duties vested by law in the State Veterinary Surgeon and his assistants.
8. To exercise the rights, powers and duties vested by law in the State Recorder of Brands.



9. To exercise the rights, powers and duties vested by law in the State Sealer of Weights and Measures and his deputies and assistants.

10. To encourage and promote, in every practicable manner, the interests of agriculture, including horticulture and apiculture, the livestock industry, domestic arts, dairying, cheese making, poultry raising, the production of wool, and all other allied industries.

11. To promote improved methods of conducting these several industries with a view to increasing the production and facilitating the distribution thereof at the least cost.

12. To collect and publish statistics relating to the production and marketing of crops, and of beef, pork, poultry, fish, mutton, wool, butter, cheese and other agricultural products so far as such statistical information may be of value to the agricultural and allied interests of the State.

13. To maintain a permanent exhibit at or convenient to the State Capitol Building, showing the agricultural, horticultural, mining, mechanical, industrial and other products and resources of the State.

14. To assist, encourage and promote the organization of farmers' institutes, horticultural and agricultural societies, the holding of fairs, livestock shows or other exhibits of the products of agriculture.

15. To establish and promulgate standards for open and closed receptacles for farm products and standards for the grade and other classification of farm products.

16. To prescribe and promulgate rules and regulations governing the marks, brands and labels which may be required upon receptacles for farm products.

17. To promote, in the interest of the public, economical and efficient production and distribution of all farm commodities.

18. To co-operate with producers and consumers in devising and maintaining economical and efficient systems of distribution, and to aid in whatever way may be consistent or necessary in accomplishing the reduction of waste and expense incidental to marketing.

19. To have authority to maintain a market news service, including information as to crops, freight rates, commission rates, and such other matters as may be of service to producers and consumers, acting as a clearing house for information between producer and consumer.

20. To gather and diffuse timely information concerning the supply, demand, prevailing prices, and commercial movement of farm products.

21. To co-operate with the State Agricultural College and State Experiment Station and with the Federal Government.

22. To investigate the practices and methods of factors, commission merchants and others who receive, solicit, buy, sell, handle on commission or otherwise, or deal in grain, dairy products, eggs, live stock, vegetables, or other farm products, to the end that the distribution of such commodities through such factors, commission merchants and others shall be efficiently and economically accomplished without hardship, waste or fraud.

23. To help improve country life and to assist in bringing about equality of opportunity for the farmers of the State.

24. To ascertain, as far as possible, what conditions make for the success of a homeseeker and what conditions make for his failure, and to assist in remedying such of the conditions which make for failure as are capable of remedy.

25. To investigate and obtain evidence in any case where fraud has been practiced upon, or wrong done to a homeseeker, in the sale or transfer of real estate sought for the establishment of a farm home and if the facts justify to cause the wrongdoer to be prosecuted.

26. To investigate any advertisements pertaining to colonization or settlement, and to warn homeseekers against inaccurate or misleading statements contained in any literature sent out by promoters or others.

27. To receive applications for farm help, and applications from farm laborers without expense to either the employer or employee.

28. To receive from owners descriptions of farm property for sale and maintain a properly classified list of such property for the inspection of prospective buyers.

29. To destroy pests and to prevent the spreading of infectious and contagious diseases in plant life.

30. To enter and inspect any right of way of any irrigation canal, railway, public highway, field, orchard, nursery, fruit packing house, store room, sales room, depot or other place where fruits are grown or stored and to inspect fruits, trees, plants, vines, shrubs or other articles within the State, and if such places or articles are infected with pests or with their eggs or larvæ or with any contagious dis-



eases injurious to plant life to abate the same as a nuisance.

31. To prevent the spreading of infectious and contagious diseases among bees.

32. To prevent the spreading of contagious and infectious diseases among domestic animals and live stock.

33. To investigate cases of contagious and infectious diseases among domestic animals and live stock and to inspect and test suspected diseased animals at the expense of the owner thereof.

34. To protect the livestock interests of the State from losses from theft and disease.

35. To keep a record of all brands, earmarks and ear-tags.

36. To establish standards of weights and measures and enforce compliance therewith.

37. To be the custodian of the State Fair grounds, buildings and other property belonging or attached thereto, and to maintain the same.

38. To police the State Fair grounds, to maintain and preserve order thereon, and to protect exhibits from theft, injury or destruction.

39. To adopt and promulgate rules and regulations governing the holding of the State Fairs, which rules and regulations shall prescribe the kinds and classes of exhibits, the conditions under which they shall be received, installed and cared for, the conditions under which racing shall be permitted in the Fair Grounds and rules governing the same, the premiums to be offered and paid, the price of admission which shall be charged in all cases, the methods by which judges of exhibits may be employed, and the manner in which certificates of award shall be prepared and premiums paid.

40. To co-operate with others in holding annually at Boise, Idaho, a State Fair for the purpose of exhibiting the agricultural, horticultural, stock breeding, mining, mechanical, industrial and other products and resources of the State, including exhibits of the arts and sciences and other exhibits pertinent to expositions of human art, industry or skill, and in connection with said State Fair to provide such other educational and entertainment features as in its judgment shall be necessary and proper.

41. To co-operate with others in holding annually for the special advancement of the livestock industry of the State a livestock show at Lewiston.

42. To co-operate with others in holding a seed fair at such place within the State as the Board may deem most conducive to the advancement of the seed industry.

43. To lease, purchase and hold such real property as is necessary for the holding of fairs and exhibitions.

44. To take and hold property, real and personal, acquired by gifts, subscriptions, donations and bequests.

45. To co-operate with and accept assistance from counties, municipalities, private corporations, firms and persons interested in the advancement of fairs, shows and exhibitions.

46. To sell and dispose of personal property owned by it in such manner as the board may provide, when in the judgment of the department such sale or disposal best promotes the purposes for which the department is established.

47. To contract in respect to any matter within the scope of its authority.

SEC. 27. *Continuing Appropriation of Moneys From Outside Sources.* All moneys received by the Department of Agriculture from gate receipts, subscriptions, donations or other sources than by direct legislative appropriation are hereby perpetually appropriated for the purposes for which received, but claims therefor shall be audited and allowed in the same manner as other claims against the State.

SEC. 28. *Department of Commerce and Industry.* The Department of Commerce and Industry shall have power:

1. To exercise the rights, powers and duties vested by law in the State Bank Department, the State Bank Commissioner and his deputies.

2. To exercise the rights, powers and duties vested by law in the Insurance Department of the State, the Insurance Commissioner and his deputy.

3. To exercise the rights, powers and duties vested by law in the State Insurance Manager.

4. To exercise the rights, powers and duties vested by law in the Board of Appeal from the Decisions of the Bank Commissioner.

5. To exercise the rights, powers and duties vested by law in the Bank Commissioner and the Mine Inspector under Chapter 224 of Compiled Laws, being the regulations of investment companies.

6. To execute the laws relating to banks and banking.

7. To execute the laws relating to insurance and insurance companies doing business in this State.



8. To administer the State Industrial Insurance Fund without liability on the part of the State beyond the amount of such fund.

SEC. 29. *Department of Finance.* The Department of Finance shall have power:

1. To exercise the rights, powers and duties vested by law in the State Examiner and his deputy.

2. To exercise the rights, powers and duties vested by law in the State Depository Board and its Secretary.

3. To prescribe the forms of vouchers on which claims against the State shall be submitted.

4. To prescribe forms for accounts and financial reports and statements for the several departments.

5. To prescribe and require the installation of a uniform system of bookkeeping, accounting and reporting for the several departments and public institutions of the State and of all political subdivisions thereof.

6. To supervise and examine the accounts and expenditures of the several departments and public institutions of the State and of all political subdivisions thereof.

7. To inspect securities held by the several departments and public institutions of the State and of the political subdivisions thereof.

8. To examine, at any and all times, the accounts of every private corporation, institution, association or board receiving appropriations from the legislature.

9. To keep an exact and true inventory of all chattel property belonging to the State.

10. To designate State depositories.

11. To require all such State depositories to deposit securities or to give bonds, for the security of State funds deposited with them and the interest thereon in accordance with the provisions of law.

12. To approve or disapprove securities and bonds tendered as security for State deposits.

13. To investigate at least once in every six months the character and sufficiency of all bonds and securities put up as security for State deposits, and to require the same to be renewed, or new or additional security to be put up, whenever, in its judgment the safety of any deposit of State moneys requires it, and to cause such deposit to be withdrawn unless such new or additional security be given.

14. To fix the maximum depository limit of each State depository.

15. To demand and receive reports from the State Treasurer, State Auditor, State Bank Examiner, and any other officer or board, and from the several State depositories.

16. To investigate and inspect any State office or any State depository, for the purpose of determining the condition of, and protecting State funds.

17. To make rules and regulations, not inconsistent with law, in all matters relating to the depositing of State funds, for the guidance of the State Treasurer, State Auditor, State Bank Examiner, and other State officers and of State depositories.

18. To supervise and safeguard generally the deposit of State funds and to do and perform all other things and acts necessary to carry out the foregoing powers and duties.

19. To supervise the administration of and to enforce all laws relating to the assessment of property and the levy, collection, apportionment and distribution of taxes.

20. To supervise the preparation of the State budget.

21. To investigate duplication of work of departments and the efficiency of the organization and administration of departments, and to formulate plans for the better coordination of departments.

22. To publish, from time to time, for the information of the several departments and of the general public, bulletins of the work of the Government.

23. To report to the Attorney General for such action, civil or criminal, as the Attorney General may deem necessary, all facts showing illegal expenditures of the public money or misappropriation of the public property.

SEC. 30. *Department of Immigration, Labor and Statistics.* The Department of Immigration, Labor and Statistics is the Bureau of Immigration, Labor and Statistics heretofore established by law. It shall have power:

1. To promote the welfare of workers and to improve their commercial, industrial, social and sanitary condition.

2. To collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral prosperity.

3. To visit and inspect, during reasonable hours, all shops, factories and mercantile establishments and other places where workmen are employed, as often as practicable, and to cause the provisions of law to be enforced therein.



4. To inspect the sanitary conditions, system of sewerage, system of heating, lighting and ventilating of rooms where persons are employed at labor and the means of exit in case of fire or other disaster, within or connected with shops and factories. To examine the machinery in and about such shops and factories to see that it is not located so as to be dangerous to employees when engaged in their ordinary duties.

5. To collect and compile reliable data which if disseminated, would tend to the development of the State by inducing population and capital to come within its borders.

6. To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render employees and places of employment safe.

7. To fix and order such reasonable standards for the construction, maintenance and repair of places of employment as shall render them safe.

8. To require the performance of any act necessary for the protection of the life, health and safety of employees.

SEC. 31. *Department of Law Enforcement.* The Department of Law Enforcement shall have power:

1. To exercise the rights, powers and duties vested by law in the Fish and Game Warden, his deputies and assistants.

2. To exercise the rights, powers and duties vested by law in the Secretary of the State Highway Commission (so far as his duties relate to the registration of motor vehicles.)

3. To exercise the rights, powers and duties vested by law in the State Board of Medical Examiners, its President, Secretary and Treasurer.

4. To exercise the rights, powers and duties vested by law in the State Board of Dental Examiners, its President and Secretary.

5. To exercise the rights, powers and duties vested by law in the Board of Osteopathic Examination and Registration, its President, Secretary and Treasurer.

6. To exercise the rights, powers and duties vested by law in the Idaho State Board of Examiners in Optometry, its President, vice President and Secretary-Treasurer.

7. To exercise the rights, powers and duties vested by law in the Board of Pharmacy, its President and Secretary.

8. To exercise the rights, powers and duties vested by law in the State Board of Examination and Registration of Graduate Nurses, its President and Secretary-Treasurer.

9. To exercise the rights, powers and duties vested by law in the Board of Examining Surveyors.

10. To exercise the rights, powers and duties vested by law in the State Engineer as ex-officio chairman of the Board of Examining Surveyors.

11. To exercise the rights, powers and duties vested by law in the Idaho State Board of Veterinary Medical Examiners, its President, Secretary and Treasurer.

12. To exercise the rights, powers and duties vested by law in the State Board of Accountancy.

13. To exercise the rights, powers and duties vested by law in the State Board of Examiners of Architects, its President and Secretary-Treasurer.

14. To exercise the rights, powers and duties vested by law in the Examining Committee of the State Board of Health for the Examination of Embalmers.

15. To establish and maintain fish hatcheries and game preserves.

16. To have supervision over all fish culture matters of a public nature.

17. To take all measures necessary for the preservation, distribution, introduction and restoration of fish, game birds and other wild birds.

18. To take fish and game of any kind, dead or alive, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes.

19. To exercise a general supervision over the killing and destruction of predatory animals.

20. To supervise the registration and licensing of automobiles, motor vehicles and motor vehicle manufacturers, dealers and chauffeurs.

21. To enforce all of the penal and regulatory laws of the State in the same manner and with like authority as the sheriffs of the counties.

SEC. 32. *Same: Registration of Occupations.* The Department of Law Enforcement shall, wherever the several laws regulating professions, trades and occupations which are devolved upon the department for administration so require, exercise, in its name, but subject to the provisions of this Act, the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade or occupation for which an examination is held; to



pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades or occupations.

3. To prescribe rules and regulations defining, for the respective professions, trades and occupations, what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college, or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons exercising the respective professions, trades or occupations, and to revoke or refuse to renew such licenses, certificates or authorities.

6. To formulate rules and regulations when required in any act to be administered.

None of the above enumerated functions and duties shall be exercised by the Department of Law Enforcement, except upon the action and report in writing of persons designated from time to time by the Commissioner of Law Enforcement to take such action and to make such report, for the respective professions, trades and occupations as follows:

For the Medical Practitioners six persons, all of whom shall be graduates of reputable medical colleges or universities and reputable physicians licensed to practice medicine and surgery in this State, a majority of whom shall not be representative of any one school of medicine and among whom three schools of medicine shall be represented.

For the Dentists five persons, each of whom shall be a licensed practitioner of dentistry in this State.

For the Osteopaths five persons, each of whom shall be a licensed practitioner of osteopathy.

For the Optometrists three persons, each of whom shall be a licensed optometrist in this State.

For the Pharmacists three persons, each of whom shall

be a licensed pharmacist actively engaged in the practice of pharmacy in this State.

For the Registered Nurses three persons, one of whom shall be a physician licensed to practice in this State, who shall have been graduated for at least a period of five years from a reputable school, and two of whom shall be registered nurses in this State and shall have been graduated for at least a period of five years from a reputable training school for nurses and all of whom shall be residents of this State and engaged in professional work.

For the Embalmers three persons, two of whom shall be licensed physicians and one of whom shall be a licensed embalmer in this state.

For the Veterinarians three persons, each of whom shall be a licensed veterinarian and a graduate of a legally chartered or authorized veterinary college or veterinary department of a university or agricultural college.

For the Accountants three persons, each of whom shall be a certified public accountant.

For the Architects five persons, one of whom shall be a member of the faculty of the Agricultural or Engineering Department of the Idaho State University, one a sanitarian, and the other three licensed architects residing in the State of Idaho, having been engaged in the practice of architecture for at least five years.

For the Surveyors three licensed surveyors.

The action or report in writing of a majority of the persons designated for any given trade, occupation or profession, shall be sufficient authority upon which the Commissioner of Law Enforcement may act.

In making the designation of persons to act for the several professions, trades and occupations the Commissioner shall give due consideration to recommendations by members of the respective professions, trades and occupations and by organizations therein.

Whenever the Commissioner is satisfied that substantial justice has not been done either in an examination or in the revocation of or refusal to renew a license, certificate or authority he may order re-examination or rehearings by the same or other examiners.

All certificates, licenses and authorities shall be issued by the Department of Law Enforcement in the name of such department, with the seal thereof attached.

SEC. 33. *Same: Officers Have Powers of Peace Officers.* The Commissioner of Law Enforcement and persons depu-



tized by him as State Policemen are peace officers authorized to exercise within any county the same powers as the sheriff thereof.

SEC. 34. *Department of Public Investments.* The Department of Public Investments shall have power:

1. To control, loan and invest all the permanent funds of the State in such securities as are designated in the State Constitution.

2. To fix the rate of interest to be charged upon all loans upon real estate, but such rate shall never be less than 5 per cent per annum.

3. To have the care and custody of all certificates and contracts for the sale of State lands and timber, all leases of State lands, all mortgages, bonds, warrants, and other securities in which the permanent funds of the State shall be invested.

4. To collect all moneys due the State on certificates and contracts for the sale of State lands or timber, on all leases of State lands, on all mortgages, bonds, warrants and other securities in which the permanent funds of the State are loaned or invested.

5. To accept, when necessary to protect any mortgage loan, a warranty deed to the mortgaged property, in full satisfaction of the mortgage debt.

SEC. 35. *Department of Public Welfare.* The Department of Public Welfare shall have power:

1. To exercise the rights, powers and duties vested by law in the Board of Directors of the Northern Idaho Sanitarium, its President and Secretary.

2. To exercise the rights, powers and duties vested by law in the Board of Directors of the Idaho State Sanitarium, its President and Secretary.

3. To exercise the rights, powers and duties of the Board of Trustees of the Soldiers' Home, its Chairman and Secretary.

4. To exercise the rights, powers and duties vested by law in the State Board of Health, the Secretary of the State Board of Health and all its other officers and employees.

5. To exercise the rights, powers and duties vested by law in the Bureau of Vital Statistics, the State Registrar of Vital Statistics and the Assistant State Registrar of Vital Statistics.

6. To exercise the rights, powers and duties vested by

law in the Dairy, Food and Sanitary Inspector and his deputies and the State Chemist.

SEC. 36. *Department of Public Works.* The Department of Public Works shall have power:

1. To exercise the rights, powers and duties vested by law in the State Highway Commission and its Secretary.
2. To exercise the rights, powers and duties vested by law in the State Highway Engineer.
3. To exercise the rights, powers and duties vested by law in the Board of Trustees of the Capitol Building.
4. To exercise the rights, powers and duties vested by law in the Heyburn Park Board of Control.
5. To lay out, build, construct and maintain State highways at any place within the State of Idaho.
6. To improve, alter or extend any State highway heretofore or hereafter laid out or constructed.
7. To purchase, condemn or otherwise acquire the necessary lands for rights of way, turnouts, fills or excavations for State highways.
8. To co-operate with, and receive aid from the Federal Government, and to receive and expend donations from other sources for the construction and improvement of any State highway.
9. To contract jointly with counties and highway and good road districts for the improvement and construction of State Highways.
10. To have general supervisions of all State highways and bridges within the State, and of the construction, maintenance and improvement of the same.
11. To expend funds appropriated for the construction, maintenance and improvement of the State highways.
12. To prescribe rules and regulations affecting State highways, and to enforce compliance with such rules and regulations.
13. To investigate methods of road construction and to establish standards of construction and maintenance of highways adapted to different sections of the State.
14. To keep records, subject to public inspection, of all State highways, and matters relating thereto, including surveys, plans, specifications and estimates, and so far as practicable, of all highways in the State, and for that purpose to demand and to receive reports and copies of records from commissioners of highway districts, County Commissioners,



County Surveyors and Road Overseers, and all other road officers within the State.

15. To advise and assist and to co-operate with county and good road and highway district commissioners, County Surveyors and Road Overseers and other road officers within the State, upon request, so far as practicable, in the planning, building and constructing of roads, to the end that there may be established within the State a unified and standardized system of highways.

SEC. 37. *Department of Reclamation.* The Department of Reclamation shall have power:

1. To exercise the rights, powers and duties vested by law in the State Engineer.

2. To exercise the rights, powers and duties vested by law in the State Board of Land Commissioners (so far as their duties relate to the administration of the Carey Act.)

3. To exercise the rights, powers and duties vested by law in the State Board of Land Commissioners under Chapter 241 of the Compiled Laws.

#### ARTICLE IV.

##### *Amendments and Repeals.*

SEC. 38. *Offices Abolished.* The following offices, boards, commissions, arms and agencies of the State Government heretofore created by law, are hereby abolished: State Board of Agriculture and its officers, Director of Farm Markets, State Board of Horticultural Inspection and its officers, State Horticultural Inspector and his deputies, State Bee Inspector and his deputies, State Livestock Sanitary Board and its officers, State Veterinary Surgeon and his assistants, State Recorder of Brands, State Sealer of Weights and Measures and his deputies and assistants, Fish and Game Warden and his deputies, State Banking Department, State Bank Commissioner and his deputies, Board of Appeal from Decisions of Bank Commissioner, Insurance Department of State, Insurance Commissioner and his deputy, State Insurance Manager, State Examiner and his deputy, State Depository Board and its secretary, Commissioner of Immigration, Labor and Statistics, State Highway Commission and its secretary, State Board of Medical Examiners and its officers, State Board of Dental Examiners and its officers, Board of Osteopathic Examination and Registration and its officers, State Board of Examiners in Optometry and its officers, Board of Pharmacy and its officers, State Board of Examination and Registration of Graduate Nurses and

its officers, Examining Committee of the State Board of Health for the examination of embalmers, Idaho State Board of Veterinary Medical Examiners and its officers, State Board of Accountancy, State Board of Examiners of Architects and its officers, State Board of Examining Surveyors and its officers, Board of Directors of Northern Idaho Sanitarium, its president and secretary, Board of Directors of Idaho State Sanitarium, its president and secretary, Board of Trustees of Soldiers' Home, its chairman and secretary, State Board of Health and its secretary, Bureau of Vital Statistics, State Registrar of Vital Statistics, Assistant State Registrar of Vital Statistics, Dairy, Food and Sanitary Inspector and his deputies, State Chemist, State Highway Engineer and other employees of State Highway Commission, Trustees of Capitol Building, Heyburn Park Board of Control, State Engineer, Register of State Board of Land Commissioners.

SEC. 39. Section 339 of Compiled Laws of Idaho is amended to read as follows:

"Sec. 339. *Office Hours.* Unless otherwise provided by law, every officer must keep his office open for the transaction of business from 9 o'clock a. m. until 5 o'clock p. m. each day, except upon holidays."

SEC. 40. Section 6 of Chapter 77 of Compiled Laws of Idaho is amended to read as follows:

"77:6. *Limitations on Expenditures:* No money appropriated by the State, unless expressly so provided in the Act making the appropriation, shall be used for the purchase of fair grounds or for the purchase of grounds to be used for exhibition purposes. *The Department of Agriculture* shall cause separate accounts to be kept of all moneys appropriated by the State for each *fair, show and exhibition* \* \* \* and also of all moneys received from gate receipts, subscriptions, donations or other sources, and shall expend said moneys so received, other than said appropriations, in such manner as it may deem necessary and proper in preparing, holding, developing, enlarging or maintaining the fair, show or exhibition to which said funds belong: *Provided*, That any money expended or expense incurred for the joint benefit of two or more of said fairs, shows or exhibitions shall be prorated by said Department on a just and equitable basis between said fairs, shows and exhibitions, so jointly benefited."

SEC. 41. Section 1562 of Compiled Laws of Idaho is amended to read as follows:



"Sec. 1562. *Records of Land Board.* \* \* \* It shall be the duty of the *Land Commissioner* to keep the records of the State Board of Land Commissioners; to make out and countersign all patents and leases issued by the president of the said Board to purchasers and lessees of State lands, and to keep a suitable record of the same; to file and preserve the bonds of lessees and those given by purchasers to secure deferred payments; to make and deliver to purchasers suitable certificates of purchase; to have the custody of the seal of the State Board of Land Commissioners; to keep the minutes of the Board, and to perform such other duties concerning the land affairs of the State as the Board may direct. \* \* \* \* \*

SEC. 42. Section 1564a of Compiled Laws of Idaho is amended to read as follows:

"Sec. 1564a. *Payment of Salaries From Carey Act Trust Fund.* When employees of the Department of Reclamation are employed, under the direction of the Department in work in connection with Carey Act projects, or proposed Carey Act projects, their salaries and expenses for such period of time while they are so employed shall be paid out of the Carey Act Trust Fund."

SEC. 43. Section 1 of Chapter 123 of Compiled Laws of Idaho is amended to read as follows:

"123:1. *Investment of Funds Derived From Sales.* The Department of Public Investments shall invest the permanent educational funds in the treasury, other than funds arising from the disposition of the University lands, belonging to the State, in first mortgages on improved farm lands within this State, or in United States, State \* \* school district \* \* \* or Highway District bonds, or State warrants."

SEC. 44. Section 1613 of Compiled Laws of Idaho is amended to read as follows:

"Sec. 1613. *Acceptance of the Carey Act.* The State of Idaho \* \* \* accepts the conditions of Section 4 of An Act of Congress, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes,' approved August 18, A. D. 1894, and the Acts amendatory thereof, together with all the grants of land to the State under the provisions of the aforesaid Act and its amendments.

"The selection, management and disposal of said land shall be vested in the *Department of Reclamation.*"

SEC. 45. Section 6 of Chapter 132 of Compiled Laws of Idaho is amended to read as follows:

"132:6. *Supervision of Heyburn Park.* The *Department of Public Works* shall have the supervision and control of *Heyburn Park*. Said *Department* shall have power and it shall be its duty to make and enforce rules and regulations necessary for the use and government of said park and to determine the manner and provide the means for the enforcement of said rules and regulations."

SEC. 46. Section 7 of Chapter 132 of Compiled Laws of Idaho is amended to read as follows:

"132:7. *Same:* The *Department of Public Works* is authorized to make concessions to proper and desirable parties for the establishment of not to exceed three places of refreshment and entertainment within the said park; also to make concessions to parties who will provide suitable boating facilities upon the waters within said park under such restrictions as to use and compensation for use as said *Department* may determine: *Provided*, That no private parties shall be permitted to construct wharves within said park.

"The said *Department* shall also have full authority to determine the conditions upon which leases, concessions and privileges shall be granted, subject always to the condition that the park shall be free to public use and the enjoyment of all the people without discrimination as to race, under such rules and regulations as are to be provided as aforesaid."

SEC. 47. Section 82 of Chapter 256 of Compiled Laws of Idaho is amended to read as follows:

"256:82. *Personal Liability.* The *Commissioner of Commerce and Industry* shall not, nor shall any person employed by the *Department of Commerce and Industry*, be personally liable in his private capacity for or on account of any act performed or contract entered into in an official capacity in good faith and without intent to defraud, in connection with the administration of the State Insurance Fund or affairs relating thereto."

SEC. 48. Section 83 of Chapter 256 of Compiled Laws of Idaho is amended to read as follows:

"256:83. *Salaries, Expenses, and Payment of Same.* The salary of the *Director of the State Industrial Insurance Fund* and the salary or compensation of the employees in said *Bureau* and all expenses incurred by said *Bureau* shall



be audited and paid in the first instance out of the State Treasury in the manner prescribed for similar expenditures in other departments or branches of the State service."

SEC. 49. By this Act the Legislature does not intend to deprive any of the constitutional officers or boards of duties imposed upon them by the express or implied provisions of the Constitution.

SEC. 50. If any part or section of this Act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

SEC. 51. *Repeal of Inconsistent Legislation.* The following Sections of the Compiled Laws of Idaho are hereby repealed: 86; 12:1; 13:1-3; 786 to 788 inc.; 49:2, 3, 6; 794; 63:1 to 4 inc.; 63:4a and 63:5; 1080, 1081, 1082, 1083, 1084; 1086b; 65:4 to 6 inc. and 65:10; 1153 to 1159 inc.; 1163; 1164; 77:1 to 5 inc.; 77:7 and 8; 79:1 to 5 inc.; 79:7 to 9 inc.; 1310 to 1313 inc.; 1313a; 1314; 1315; 1317; 1329; 1330a; 1330b; 1330d; 1341; 1343; 1357 to 1359 inc.; 1366; 1367; 1374; 1374a to 1374e inc.; 1376; 1385 to 1388 inc.; 88:1 to 3 inc.; 90:1 to 4 inc.; 91:1; 92:1 to 9 inc.; 1401; 109:1; 117:1 to 7 inc.; 117:9; 117:10; 117:13 to 15 inc.; 126:1 to 6 inc.; 220:1 to 7 inc.; 220:11 to 13 inc.; 223:1 to 9 inc.; 256:76, 85.

SEC. 52. All acts and parts of acts in conflict with this Act are hereby repealed.

SEC. 53. *Time of Taking Effect.* The necessity for the reorganization of the civil departments of state to conform to this Act at as early a date as possible, so as to effect a saving in administrative expense and an increase in efficiency, creates an emergency within the meaning of the Constitution, and this Act shall be in force and take effect from and after March 31, 1919.

Approved February 19, 1919.

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## CHAPTER 9.

(H. B. No. 36.)

### AN ACT

TO PROVIDE FOR THE APPOINTMENT OF OFFICERS OF  
THE NATIONAL GUARD; PRESCRIBING THEIR QUALI-

FICATIONS; PROVIDING FOR ORGANIZATION OF NATIONAL GUARD OF THE STATE OF IDAHO IN CONFORMITY TO THE LAWS OF THE UNITED STATES, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. No person shall hereafter be commissioned as an officer of the National Guard unless he shall have been selected from the following classes: Officers or enlisted men of the National Guard; officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States Army, Navy, and Marine Corps; graduates of the United States Military and Naval Academies and graduates of schools, colleges and universities where military science is taught under the supervision of an officer of the Regular Army of the United States; *Provided*, That for the technical branches and staff corps or departments such other civilians may be appointed as are especially qualified for duty therein.

SEC. 2. Staff officers, including officers of the Pay, Inspection Subsistence, and Medical Departments, hereafter appointed, shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four years unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court-martial legally convened for that purpose. Vacancies among said officers shall be filled by appointment from among the officers of the National Guard.

SEC. 3. In order completely to conform the organization of the National Guard of Idaho with the requirements of the laws of the United States, relating to the National Guard of the several States, Territories and the District of Columbia and regulations issued thereunder, the Governor, as Commander in Chief, is hereby authorized to organize or reorganize the National Guard of Idaho and to provide for the enrollment, equipment and discipline thereof in strict conformity with such laws and regulations of the United States, whenever he deems such action necessary, notwithstanding anything to the contrary that may be contained in the laws of this State.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 5. An emergency existing therefor, which is hereby declared, this Act shall be in full force and effect upon its passage and approval.

Approved February 20, 1919.



**CHAPTER 10.**

(H. B. NO. 83.)

**AN ACT**

**TO AMEND SECTION 1100, OF CHAPTER 64, OF THE COMPILED LAWS OF IDAHO, AND DECLARING AN EMERGENCY.**

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 1100 of Chapter 64 of the Compiled Laws of Idaho be amended to read as follows:

Section 1100. It shall be the duty of the local Board of Health, when a case of smallpox, cholera, plague, yellow fever, typhus fever, diptheria, membranous croup, scarlet fever, infantile paralysis, *Spanish influenza* and cerebrospinal meningitis or any other dangerous, contagious or infectious disease is reported within its jurisdiction, to at once cause to be placed, in a conspicuous position on the house wherein any of the aforesaid diseases occur, a quarantine card having printed on it in large letters the name of the disease within, and to prohibit entrance to or exit from such house without written permission from the Board of Health. No person quarantined by a Board of Health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the Board of Health. Every physician attending a person affected with any of the aforementioned diseases, shall use such precautionary measures to prevent the spread of the disease as may be required by the Board of Health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the said house and the contents thereof have been properly purified and disinfected under the direction of the Board of Health; and where other inmates of said house have been exposed to and are liable to become ill of, any of said diseases, for a period thereafter, counting from the completing of disinfection, as follows to-wit: in diptheria and membranous croup, 14 days; in smallpox, 17 days; in scarlet fever, 10 days; in cholera or yellow fever, 7 days; in typhus fever, 21 days; in cases of measles, chicken pox and whooping cough *and the disease commonly known as Spanish influenza*, or either of them, the Board of Health *shall* require the same report of cases, and *shall* enforce the same quarantine and

preventive measures, as are provided for in this Article in case of scarlet fever, *Provided, however, That in case of measles, chicken pox, whooping cough, or the disease commonly known as Spanish influenza, or either of them, the patient suffering from the disease shall be isolated, and if isolation of the patient is not practicable, then the premises in which such patient resides shall be placed under quarantine.* The Board of Health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this Article for the prevention of contagious or infectious diseases, or the orders of any local Board of Health made in pursuance thereof. Any person, on whom a duty is imposed by the provisions of this Section, who fails, neglects, or refuses to perform the same as herein required, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined a sum not exceeding \$50.00, or be imprisoned in the county jail not exceeding 90 days, or shall suffer both fine and imprisonment.

SEC. 2. *Whereas an emergency exists, this Act shall take effect and be in force from and after its passage and approval.*

Approved Feb. 25, 1919.

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## CHAPTER 11.

(H. B. No. 86.)

### AN ACT

TO AMEND SECTIONS 1501, 1504 AND 7060a OF THE COMPILED LAWS OF IDAHO; PROVIDING THAT THE SCRIBNER DECIMAL C RULE SHALL BE THE STANDARD RULE FOR SCALING AND MEASURING LOGS; DEFINING PRIZE LOGS AND PROVIDING FOR THE SALE AND DISPOSITION OF THE PROCEEDS THEREOF BY THE LUMBER INSPECTOR AND PAYMENT OF COMPENSATION FOR DRIVING, SORTING, CARING FOR AND STORING THE SAME; MAKING IT A MISDEMEANOR TO PLACE MARKS UPON OR APPROPRIATE PRIZE LOGS, AND PROVIDING THE PENALTY THEREFOR; AND DECLARING AN EMERGENCY.



*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 1501 of the Compiled Laws of Idaho be and the same hereby is amended to read as follows:

“Section 1501. Unless otherwise agreed upon, the Scribner Decimal C Rule shall be the standard rule for scaling or measuring logs in the said districts; but in all cases the bill of the inspector shall state by what rule the logs were scaled or measured.”

SEC. 2. That Section 1504 of the Compiled Laws of Idaho be and the same hereby is amended to read as follows:

“Section 1504. *All logs or timbers suitable for manufacture into lumber, ties, poles, or other timber products, not bearing a legally recorded mark or marks, which shall be placed afloat, or permitted to be afloat upon any of the public waters of this State, not kept confined in booms or rafts, and all such logs or timbers bearing a legally recorded mark or marks not claimed within one year after any general drive shall be prize logs, and no evidence of any private ownership thereof shall be admissible in any proceeding. Prize logs shall be sold by or under the direction of the lumber inspector of the district in which they are found, and the proceeds of such sale, after deducting the expense of sale and all driving and sorting charges thereon, shall be divided among the owners of logs in each subdistrict in proportion to the number of logs owned and put afloat during that year by each person or company respectively in each subdistrict. Such sale shall be at public auction, after publication of notice of the time and place thereof for not less than three consecutive weeks in a newspaper of general circulation printed and published in the county in which the sale is to be held. It shall be the duty of every person having the custody or possession of prize logs to deliver them to the lumber inspector of the district upon demand.*

Any person, firm or corporation with whose logs or timber in any waters of this State such prize logs or timber shall become so intermixed that they cannot be conveniently separated for the purpose of being floated to market or the place of manufacture, may drive all such logs or timber with which his own may be intermixed toward such market place, and shall be entitled to reasonable compensation for the driving thereof, to be paid by the lumber inspector out of the proceeds of sale of such prize logs. Any person, firm or corporation required to sort prize logs from other logs or timber with which they may be intermixed, or to care for

*or store the same, shall be entitled to reasonable compensation for such sorting, care and storage, to be paid by the lumber inspector out of the proceeds of sale of such prize logs.*

SEC. 3. That Section 7060a of the Compiled Laws of Idaho be and the same hereby is amended to read as follows:

*“Section 7060a. Every person who cuts out, alters, mutilates, changes, disfigures, or defaces any legally recorded mark or marks made upon any log, lumber, or wood, or re-marks or puts a false mark thereon with intent to prevent the owner from discovering its identity, or places any mark upon, or cuts, saws, manufactures, or in any manner appropriates to his own use, or to the use of any other person, any prize log or timber, is guilty of a misdemeanor and punishable by a fine of not exceeding five hundred (\$500.00) Dollars, or imprisonment in the County Jail not exceeding six (6) months, or by both such fine and imprisonment. In any prosecution for a violation of the provisions of this Section relating to prize logs it shall be sufficient to prove that such logs are prize logs without further proof of ownership.”*

SEC. 4. An emergency existing therefor, which is hereby declared this Act shall be in full force and effect upon its passage and approval.

Approved Feb. 25, 1919.

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## CHAPTER 12.

(S. B. No. 43.)

### AN ACT

TO AMEND SECTION 62:17 OF THE COMPILED LAWS OF THE STATE OF IDAHO BY GIVING TO THE COUNTY COMMISSIONERS THE RIGHT TO REPAIR AND KEEP IN REPAIR MAIN OR TRUNK ROADS RUNNING THROUGH HIGHWAY DISTRICTS WHERE SUCH REPAIR IS NOT DONE BY THE COMMISSIONERS OF SAID HIGHWAY DISTRICT UPON NOTICE AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 63:17 of the Compiled Laws of the State of Idaho be, and the same hereby is, amended to read as follows:

Section 62:17. In respect to all highways included within such district, the power and jurisdiction of the Highway



Board shall be inclusive, except as provided in Section 64 of this Chapter; *Provided, however, That if any main trunk or main highway connecting different parts of the county or connecting with territory outside of the State pass through such highway district, that said Highway Commissioners shall keep said road in good and sufficient and proper repair and if they fail to do so, the Board of County Commissioners may at any time, by giving them ten days written notice sent to them by registered mail, require that such main or trunk road, running through such district, or connecting said district with other territory, shall be repaired or put in proper condition which condition shall be specified in said notice by the County Commissioners, and if said highway districts do not start said work or repair said road and put the same in the condition required by the County Commissioners within ten days and thereafter diligently pursue said work with a reasonable and sufficient force, the County Commissioners of any county of this State, in which said highway district lies, may enter upon said trunk or main road and repair and put the same in such condition required of them of such highway district. Said County Commissioners in doing said work shall keep strict and accurate account of the expenses of doing said work, and when said work is completed they shall certify the amount thereof to the County Treasurer who shall charge the same against the highway district and thereafter deduct said sum from any funds coming into his hands belonging to highway district and pay the general road fund of such county.*

SEC. 2. All Acts in conflict with this Act are hereby repealed as to such conflict.

SEC. 3. Whereas an emergency exists therefor, this Act will take effect and be in force from and after its passage and approval.

Approved Feb. 28, 1919.

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## CHAPTER 13.

(S. B. No. 52.)

### AN ACT

AMENDING SECTION 2315k OF THE COMPILED LAWS OF IDAHO, OF CHAPTER 159, RELATING TO MUNICIPAL BONDS AND CHARTERS OF CITIES, TOWNS AND VILLAGES ISSUING MUNICIPAL COUPON BONDS; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2315k of Chapter 159 of the Compiled Laws of Idaho be, and the same is hereby amended to read as follows:

“Section 2315k. RELATING TO POWER PLANTS.

Every municipal corporation incorporated under the laws of the Territory of Idaho or the State of Idaho, shall have power and authority to issue municipal coupon bonds, in a sufficient amount to acquire, by purchase or otherwise, a light and power plant for such municipal corporation, *and to construct, enlarge, extend, repair, alter and improve such plant.*

The amount for which bonds may be issued for acquiring light and power plants or either, \* \* \* \* \*, *or for the purpose of construction, enlargement, extension, repairing, alteration and improvement of an existing plant or for any, or either of said purposes as herein provided, shall be determined by the Council or Board of Trustees and stated in the ordinance therefor. The issuance of bonds for the purpose aforesaid or any of such purposes, shall be authorized as provided in Section 2316 of the Compiled Laws of Idaho, 1919, and one or more bond elections may be called in the manner as provided in said statute or amendatory Act, in order to submit to the qualified electors who are tax payers, the question as to whether bonds shall issue in such amount as the City Council or Board of Trustees, at the time any such election is called, shall deem to be necessary for the purposes aforesaid or any or either of them.*

*Bonds authorized at any municipal election therefor heretofore held as provided in said Section 2316 or Acts amendatory thereof, for the purpose of acquiring an adequate light and power plant for such municipality, by purchase or otherwise, and by enlarging, extending, repairing, altering and improving any existing municipal light and power plant, shall be deemed to have been authorized for all or any of the purposes for which such bonds may hereafter be issued under this Act, and all such bonds which at such election, have been heretofore authorized, when issued and sold, are hereby declared to be legal and binding obligations of such municipality, provided all requirements of law have been fully complied with, and the same are hereby declared to be of like force and effect as if the municipality, at the time such election was called and held, had possessed all the power herein granted and conferred.”*

SEC. 2. Whereas an emergency exists therefor, this Act



shall be in force and effect on and after its passage and approval.

Approved Feb. 28, 1919.

## CHAPTER 14.

(S. B. No. 63.)

### AN ACT

AMENDING SECTION 172 OF CHAPTER 133 OF COMPILED LAWS OF IDAHO, RELATIVE TO ASSESSMENT OF TAXES AGAINST BANKS, BUILDING AND LOAN ASSOCIATIONS, TRUST COMPANIES OR SURETY AND FIDELITY COMPANIES, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 172 of Chapter 133 of Compiled Laws of Idaho is amended to read as follows:

"133:172. Assessment of Bank Stock: Situs: Partial Exemption. The shares of capital stock of any bank, existing by authority of the United States or of this State and located within this State, or of any building and loan association, trust company or surety and fidelity company organized under the laws of this State and doing business within this State, shall be assessed for taxation where such bank, company, association or other corporation is located and not elsewhere, *as in the same manner and upon the same basis of actual value, and uniformly with all other property assessed in the county in which such shares of capital stock are assessed, said value to be determined as of the second Monday of January in each year at 12 o'clock meridian; Provided, however, That no assessment shall be made on the part of such capital stock, or the surplus or undivided profits of such bank, company, association or other corporation which are at the time of assessment, actually invested in and represented by other property owned by and standing upon the records of the county wherein such shares of capital stock are assessed in the name of such bank, company, association or other corporation and which have been assessed and entered for taxation in said county for the said year, which \* \* \* \* \* part \* \* \* \* \* shall be deducted from the \* \* \* \* \* value, as determined in the above manner, of such shares of capital stock in listing such capital stock for assessment. \* \* \* \* \** Any property so represented in such capital stock, on account of which a deduction has been made in the assessed valuation of the

shares of such capital stock, shall be assessed separately at its full cash value, as other property.

SEC. 2. Whereas, an emergency exists therefor, this Act shall be in force from and after its passage and approval.

Approved March 3, 1919.

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## CHAPTER 15.

(H. B. No. 106.)

### AN ACT

AMENDING SECTION 2386 OF THE COMPILED LAWS OF IDAHO, PROVIDING THE GENERAL POWERS OF THE BOARD OF DIRECTORS OF AN IRRIGATION DISTRICT, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2386 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Sec. 2386. Said board shall have the power to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required and prescribe their duties, to establish equitable by-laws, rules and regulations for the distribution and use of water among the owners of such land, as may be necessary and just to secure the just and proper distribution of the same, WHICH SAID BY-LAWS, AMONG OTHER THINGS, SHALL ESTABLISH A FISCAL YEAR, AND IN CASE THE BY-LAWS DO NOT PROVIDE FOR THE ESTABLISHMENT OF A FISCAL YEAR, THE FISCAL YEAR SHALL COMMENCE THE FIRST DAY OF NOVEMBER AND END THE THIRTY-FIRST DAY OF OCTOBER OF EACH AND EVERY YEAR. SAID BY-LAWS, RULES AND REGULATIONS MUST BE PRINTED IN CONVENIENT FORM FOR DISTRIBUTION THROUGHOUT THE DISTRICT.

The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line of any canal or canals, and the necessary branches for the same on any lands which may be deemed best for such location.

Said board shall also have the right to acquire, either by purchase, condemnation or other legal means, all lands and water rights, and other property necessary for the construc-



tion, use and supply, maintenance, repair and improvement of said canal or canals and works, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. In case of purchase, the bonds of the district hereinafter provided for may be used to their par value in payment. Said board may also construct the necessary dams, reservoirs and works for the collection of water for said district, and do any and every lawful act necessary to be done that sufficient water may be furnished to each land owner in said district for irrigation purposes. The use of all water required for the irrigation of the lands of any district formed under the provisions of of this title, together with the rights of way for canals and ditches, sites for reservoirs, and all other property required in fully carrying out the provisions of this title, is hereby declared to be a public use, subject to the regulation and control of the State, in the manner prescribed by law.

The Board of Directors of an irrigation district organized under the laws of the State of Idaho may enter into contracts for a water supply to be delivered to the canals and works of the district, and do any and every lawful act necessary to be done that sufficient water may be furnished to the lands in the district for irrigation purposes.

SEC. 2. Whereas an emergency exists therefor, this Act shall be in force from and after its passage and approval.

Approved March 3, 1919.

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## CHAPTER 16.

(H. B. No. 107.)

### AN ACT

AMENDING SECTION 2412 OF THE COMPILED LAWS OF IDAHO PERTAINING TO THE PAYMENT OF ASSESSMENTS WITHIN AN IRRIGATION DISTRICT AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2412 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Sec. 2412. Except in districts which have prior to such assessment entered into contracts with the United States requiring payments to the United States on or before December first of that year, on or before the first day of No-

vember the secretary must deliver the assessment book to the treasurer of the district, who shall within ten days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at 6 o'clock p. m. on the third Monday of December next thereafter, and also the times and places at which the payment of the assessments may be made, which notice shall be published for the period of two weeks. The treasurer must attend at the times and places specified in the notice to receive assessments, which must be paid in lawful money of the United States: *Provided That maintenance warrants may be accepted as cash in the hands of the original owner for the payment of the maintenance assessments.* He must mark the date of payment of any assessment in the assessment book opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid with a description of the property assessed. On the *third Monday of December*, at 6 o'clock p. m. of each year, all unpaid assessments for the current year are delinquent: *Provided, That if any person shall pay one-half of his assessments before they become delinquent as aforesaid, the remaining one-half shall not become delinquent until the third Monday in June at 6 o'clock p. m. of each year.*

SEC. 2. Whereas an emergency exists therefor, this Act shall be in force from and after passage and approval.

Approved March 3, 1919.

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## CHAPTER 17.

(S. B. No. 62.)

### AN ACT

AMENDING SECTION 177 OF CHAPTER 133 OF COMPILED LAWS OF IDAHO, RELATING TO COLLECTION OF TAXES ASSESSED AGAINST BANKS, PROVIDING FOR REPEAL OF ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 177 of Chapter 133 of Compiled Laws of Idaho is amended to read as follows:

"133:177. Collection of Assessment: Penalty for Delinquency. All taxes levied on shares of capital stock of



such bank, company, association or other corporation or assessed against any private banker or foreign bank or banker shall be collected by the tax collector and paid by such bank, company, association or other corporation *prior to the fourth Monday of December* in the year such taxes are levied, and such bank, company, association or other corporation shall be liable therefor. If such tax is not paid upon demand by the tax collector, the taxes, with interest thereon at the rate of 18 per centum per annum from the time of such demand, together with a reasonable attorney's fee, may be recovered as in a civil action brought by the tax collector."

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. Whereas, an emergency exists this Act will take effect and be in force from and after its passage and approval.

Approved March 4, 1919.

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## CHAPTER 18.

(H. B. 103.)

### AN ACT

AMENDING SECTION 79:31 OF ARTICLE 7, CHAPTER 79, OF THE COMPILED LAWS OF IDAHO AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 79:31 of Article 7, Chapter 79, of the Compiled Laws of Idaho be and is hereby amended to read as follows:

Section 1. It is hereby made unlawful for any person, firm, corporation or other organization to discriminate between *different individuals, corporations, or organizations* or to discriminate between different sections, localities, communities or cities of this State in the purchase or resale of agricultural products, either in the raw or manufactured state, when such products are purchased or sold under recognized standards and grades after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase in the raw state to the locality of manufacture, or from the locality of manufacture to the locality of sale.

SEC. 2. An emergency existing therefor, this Act shall

be in force and effect from and after the date of its approval.

Approved March 6, 1919.

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## **CHAPTER 19.**

(H. B. No. 130.)

### **AN ACT**

IN RELATION TO THE APPOINTMENT, DUTIES AND COMPENSATION OF TRUSTEES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. When a trust exists without any appointed trustees or where any or all of the trustees renounce, die, or are discharged, the District Court of the county where the trust property or some portion thereof is situated, must appoint another trustee to direct the execution of the trust. The court, may, in its discretion, appoint the original number or any less number of trustees.

SEC. 2. On the death, renunciation, or discharge of one of the several number of trustees, the trust survives to the others.

SEC. 3. When a declaration of trust is silent upon the subject of compensation, the trustee is entitled to the same compensation as an executor. If it specifies the amount of his compensation, he is entitled to the amount thus specified and no more.

SEC. 4. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Whereas, an emergency exists therefor, this Act shall take effect from and after its passage and approval by the Governor.

Approved March 6, 1919.

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## **CHAPTER 20.**

(H. B. No. 192.)

### **AN ACT**

TO AMEND SECTION 58 OF CHAPTER 168 OF TITLE 32 OF THE POLITICAL CODE OF THE COMPILED LAWS OF THE STATE OF IDAHO, AND PROVIDING FOR THE LEVY



OF ASSESSMENTS BY DRAINAGE DISTRICT COMMISSIONERS FOR ALL PURPOSES; LEGALIZING CERTAIN WARRANTS HERETOFORE ISSUED FOR NECESSARY REPAIRS, CONSTRUCTION, MAINTENANCE AND OTHER EXTRAORDINARY CAUSES, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 58 of Chapter 168 of Title 32 of the Political Code of the Compiled Laws of the State of Idaho be, and the same is, hereby amended to read as follows:

Section 168:58. The Board of Commissioners of any drainage district organized under the provisions of this title shall, on or before the first day of January of each year, make an estimate of the cost of maintenance of the drainage system constructed in such district, which estimate shall include the cost of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the Board of Commissioners to the Auditor of the county in which such district is located, on or before said date, and the amount thereof shall be apportioned to the land-owners in such district benefited by said improvement in proportion to the maximum benefit originally assessed, and such amount shall be added to the general taxes of such land-owners and collected therewith. *The Commissioners may also levy assessments for any expense necessarily incurred by them for construction, maintenance, repair, or any extraordinary reasons, and also may add to said assessment sufficient to pay any deficiency occurring the preceding year or any other unpaid warrant indebtedness, if any, or to pay any outstanding warrants; Provided, That any assessments to be hereafter made by any drainage commissioners to pay warrants shall not exceed twenty per cent (20%) of the original cost of organization and construction in addition to the assessments which may be levied under Section 168:33 of the Compiled Laws of the State of Idaho, and such assessments, when made, shall be apportioned and collected as hereinbefore provided for.*

*Warrants or any other evidence of drainage district indebtedness heretofore issued by the Board of Drainage Commissioners of any drainage district for such necessary construction, maintenance, repair or any extraordinary reasons, shall be and hereby are made legal and valid obligations of such drainage district.*

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1919.

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## CHAPTER 21.

(S. B. No. 188.)

### AN ACT

TO AMEND SECTIONS 3 AND 28 OF SENATE BILL NO. 68, PASSED AT THE FIFTEENTH SESSION OF LEGISLATURE, 1919, RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES FOR CERTAIN PUBLIC AND POLITICAL OFFICES AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 3 of Senate Bill No. 68 be amended to read as follows:

“Section 3. PRIMARY ELECTION—WHEN HELD. Primary elections shall be held on the *first* Tuesday of August, 1920, and biennially thereafter, for the nomination of candidates for the office of District Judge or Judges, and for county offices, the election of precinct committeemen, and the election of delegates to attend the County Convention, hereinafter provided for, and there represent their respective precincts. The person receiving the greatest number of votes or if the precinct is entitled to more than one delegate, then the persons receiving the greatest number of votes shall be by the judges of the precinct declared to be elected as delegates to the County Convention and such judges shall issue to him or them a certificate of election. For the purpose of this Act, the offices of State Senators and Representatives in the State Legislature shall be considered county offices and nominated as other county officers.

The number of delegates to the County Convention to be determined as follows: The total of votes cast in each precinct at the last preceding election for candidates of that party for legislative and county offices shall be divided by the number of such candidates and the quotient shall be taken as the vote of said party in the precinct and each precinct shall be entitled to one delegate to the County Convention for each thirty votes or major part thereof, provided each precinct shall be entitled to at least one delegate.”



SEC. 2. That Section 28 of Senate Bill No. 68 be amended to read as follows:

"Section 28. NOMINATION PAPERS. In order that the name of a person may be placed on the ticket of his party as a candidate for nomination for an office, candidates for which are to be voted for at any primary election, a nomination paper must be signed by him and filed in the office of the County Recorder of the county not more than sixty days nor less than thirty days before the primary election. Such paper, when signed by him, shall be in substantially the following form, with the blanks thereof properly filled, to-wit:

STATE OF IDAHO, }  
County of \_\_\_\_\_ } ss.

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am a citizen of the United States of the age of twenty-one years or over, or will be at the ensuing election, and am a legally qualified voter of \_\_\_\_\_ County; that I now reside at (insert street and number, if any) in this precinct and am a member and affiliated with the \_\_\_\_\_ party; \* \* that I have not signed a petition for nomination of a candidate of a political party with which I am not affiliated, and that I have not signed the nomination papers of an independent candidate for any office, for which office candidates for nomination are voted for at this primary; that I believe in the \* \* \* principles set forth by the \_\_\_\_\_ party, and that I am not becoming a candidate as member of any partisan or nonpartisan organization other than as a candidate of the \_\_\_\_\_ party; that I voted at the \_\_\_\_\_ city, village or town, with the \_\_\_\_\_ political party at the \_\_\_\_\_ election held in \_\_\_\_\_ A. D. \_\_\_\_\_.

Subscribed and sworn to before me the \_\_\_\_\_ election held in \_\_\_\_\_ A. D. \_\_\_\_\_.

In addition to such nomination paper, such candidate shall produce and file with the County Recorder at the same time as such nomination paper is filed a written certificate of the county chairman or a majority of the members of the county central committee, that he is then and has been for two years prior thereto a member of the political party on whose ticket he desires to become a candidate; or the affidavits of at least five reputable members of the party from which said candidate seeks a nomination, who have

*resided in said county for more than two years immediately prior to signing such affidavit, stating that they have known such nominee for more than two years last past and that said nominee is a member of the party from which he seeks a nomination. Such affidavits may be controverted by affidavits at any time within five days after the filing of such nomination paper by any other five reputable members of said party who have been residents of said county for at least two years immediately prior to signing such affidavit, and the issue thus made shall be heard summarily by any District Judge of the district of which such county is a part, and witnesses may be examined orally on both sides and documentary evidence may be introduced and the judge shall forthwith decide such issue and make findings and render judgment, which judgment may be summarily reviewed by the Supreme Court by writ of review or certiorari."*

SEC. 3. Whereas an emergency exists therefor, this Act shall take effect immediately upon its passage and approval.

Approved March 6, 1919.

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## CHAPTER 22.

(H. B. No. 9.)

### AN ACT

PROVIDING FOR THE EXTERMINATION OF GROUND SQUIRRELS, POCKET GOPHERS AND OTHER INJURIOUS RODENTS: REPEALING SECTION 1204G OF CHAPTER 66 OF THE COMPILED LAWS OF THE STATE OF IDAHO: APPROPRIATING FUNDS FOR THE EXTERMINATION OF SUCH INJURIOUS RODENTS: REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT WITH THIS ACT: AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The board of county commissioners of any county is hereby authorized and empowered to appropriate funds for the extermination of ground squirrels, pocket gophers and other injurious rodents.

SEC. 2. The board of county commissioners of any county is authorized to purchase poisons, grain and other supplies, or to prepare poisoned grain or other baits, and to furnish the same at cost to owners, occupants, and lessees of land infested with ground squirrels, pocket gophers or other in-



injurious rodents. The board of county commissioners is also empowered, when deemed necessary, to authorize or employ a suitable person or persons to prepare the baits, supervise their distribution and exterminate injurious rodents, and to pay such person or persons a reasonable compensation for such service.

SEC. 3. The board of county commissioners of any county engaging in the destruction of injurious rodents under the provisions of this act may compensate for or provide poisons, or other supplies and authorize a person or persons, employed as provided in Section 2 of this Act or otherwise to poison, kill and exterminate injurious rodents within such county and any person or persons so authorized is hereby empowered and directed to enter upon any farm, railroad right of way, grounds, or premises where there are ground squirrels, pocket gophers or other injurious rodents to ascertain conditions and to poison, kill and exterminate such injurious rodents thereon when the owner or occupant shall neglect or refuse to do so.

SEC. 4. It shall be the duty of the person or persons so authorized to give anyone on whose premises are found ground squirrels, pocket gophers or other injurious rodents ten days notice in writing, to poison, kill or exterminate the same, or if such land is unoccupied and owned by a non-resident, such notice shall be mailed to the owner's address, or if the address is unknown, posted upon the land or premises where such injurious rodents are to be exterminated; and if upon the land or right of way of any railroad company such notice may be served upon its agent at the station nearest to such land or right of way; and if the work of exterminating same is not done within such time the person or persons so authorized by the county commissioners shall proceed to poison, kill or exterminate such injurious rodents on such land or premises, provided that such person or persons, shall, when poison is laid out, use every precaution to prevent the destruction of domestic fowl or animals.

SEC. 5. Any person or persons so authorized under the provisions of this Act shall make a sworn statement to the county of the time put in and the poisons, or other supplies used on each tract of land and the charges for exterminating injurious rodents shall be charged as taxes against each tract of land on which the expenses were incurred, and shall be collected the same as other taxes, provided, that the maximum charge against any tract of land containing one hundred and sixty acres or more shall not be greater in any one year than at the rate of sixteen dollars per one

hundred and sixty acres, and the minimum charge shall not be less than one dollar against any tract of land.

SEC. 6. All poisons, poisoned baits prepared and distributed under authority of the board of county commissioners shall be placed in containers plainly labeled to show the character and purpose of the contents thereof.

SEC. 7. In order to secure the most effective and economical expenditure of funds used in exterminating injurious rodents, the boards of county commissioners taking advantage of the provisions of this Act shall cooperate so far as practicable, with state and federal organizations engaged in similar work.

SEC. 8. *Section 1204G of Chapter 66 of the Compiled Laws of the State of Idaho*, authorizing a bounty on prairie or pocket gophers, grey gophers, ground squirrels, prairie dogs and authorizing a levy for said purpose, is hereby repealed.

SEC. 9. The unexpended balance of the fund collected by tax levies for the years 1917 and 1918 under the provisions of *Section 1204G of Chapter 66 of the Compiled Laws of the State of Idaho*, is hereby appropriated to be expended in the extermination of ground squirrels, pocket gophers and other injurious rodents in the state of Idaho under the direction of the Extension Division of the University of Idaho in cooperation with the Bureau of Biological Survey of the United States Department of Agriculture.

SEC. 10. The Extension Division of the University of Idaho is hereby authorized to furnish poisons and other supplies at cost to persons or organizations for the purpose of exterminating ground squirrels, pocket gophers or other injurious rodents.

SEC. 11. All Acts and parts of Acts in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 12. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.

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## CHAPTER 23.

(H. B. No. 48.)

### AN ACT

TO AMEND SECTION 2123 OF THE COMPILED LAWS OF



IDAHO, PROVIDING FOR THE FEES OF THE PROBATE JUDGE: AN EMERGENCY EXISTING THEREFOR.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2123 of the compiled Laws of Idaho be amended to read as follows:

The Probate Judge may charge and collect the following fees: \* \* \*

|                                       |         |
|---------------------------------------|---------|
| For the trial of criminal cases.....  | \$ 5.00 |
| For issuing warrant of arrest.....    | .50     |
| For taking bail after commitment..... | .50     |

\* \* \* *For the probating of estates the following fees:*

|                                                      |         |
|------------------------------------------------------|---------|
| <i>Where the value of the estate does not exceed</i> |         |
| \$1,000.00 .....                                     | \$ 3.00 |
| <i>With will annexed</i> .....                       | 5.00    |
| <i>For estates over \$1,000.00 and not exceeding</i> |         |
| \$5,000.00 .....                                     | 6.00    |
| <i>With will annexed</i> .....                       | 10.00   |
| <i>For estates over \$5,000.00 and not exceeding</i> |         |
| \$25,000.00 .....                                    | 20.00   |
| <i>With will annexed</i> .....                       | 30.00   |
| <i>For estates over \$25,000.00</i> .....            | 50.00   |
| <i>With will annexed</i> .....                       | 60.00   |

*For each decree confirming a sale of real estate five dollars (\$5.00), providing, such fee shall not be charged on an estate appraised at less than two thousand dollars (\$2,000.00).*

For copies of all papers or proceedings in the Probate Court, including certificate and seal when required, for each folio.....\$ .20

For all other services the same fees as are allowed the Clerk of the District Court or Justice of the Peace, for like services \* \* \* \* \*

SEC. 2. *All Acts and parts of acts in conflict with this Act are hereby repealed.*

SEC. 3. *An emergency existing therefor, this Act shall take effect from and after its passage and approval.*

Approved March 7, 1919.

**CHAPTER 24.**

(H. B. No. 100.)

**AN ACT**

PROVIDING FOR COOPERATION BETWEEN THE STATE AND THE UNITED STATES IN THE SETTLEMENT OF SOLDIERS, SAILORS, MARINES, AND OTHERS UPON STATE LANDS AND LANDS ACQUIRED UNDER THIS ACT; CREATING A SOLDIER SETTLEMENT BOARD, DEFINING ITS POWERS AND DUTIES, AND MAKING AN APPROPRIATION THEREFOR; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The object of this Act is, in recognition of military service, to provide useful employment and rural homes for soldiers, sailors, marines, and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American Citizens who served in allied armies against the Central Powers and have been repatriated, and who have been honorably discharged; and to accomplish such purpose by cooperation with the agencies of the United States engaged in work of a similar character. This Act may be cited as "The Idaho Soldier Settlement Act."

SEC. 2. For the purposes of this Act a Soldier Settlement Board is hereby created, to consist of the Commissioner of Agriculture, Commissioner of Public Works, and the Commissioner of Reclamation, who shall serve without salary in addition to that which they receive as Commissioner of Agriculture, Commissioner of Public Works, and Commissioner of Reclamation.

SEC. 3. There is hereby created the "Idaho Soldier Settlement Fund," and for the purpose of carrying out the provisions of this Act, there is hereby appropriated out of any moneys not otherwise appropriated from the general fund, the sum of One Hundred Thousand Dollars (\$100,000) which shall be covered into such fund. *Provided that the appropriation herein made shall be conditioned on the passage by the Congress of the United States of what is known as the Soldiers Settlement Act, whereby an appropriation of \$100,000,000 or more or less is made for the purpose of cooperating with the several States in carrying the provisions of said act into effect.*

SEC. 4. The Board shall satisfy itself of the practicability of each project to be undertaken hereunder, utilizing all



State agencies to such end. Projects may be undertaken in cooperation with the United States involving the reclamation of the lands within this State by drainage, irrigation, and removal of trees and stumps, the building of levees, retaining walls, necessary roads, land levelling, fertilization, sanitation, or involving such other means as may be found practicable and desirable to make the land suitable for agricultural purposes and rural homes. The Board may acquire in the name of the State by purchase, gift, or the exercise of the power of eminent domain, all lands and other property needed for the purposes hereof, and may take title in trust. With the consent of the cooperating federal agencies the Board may sell any land or other property acquired hereunder found not to be required for any project. The Board may also utilize all lands of the State for the purposes of this Act; Provided, That nothing in this section contained shall be construed to repeal any law relating to the price of State lands; Provided, further, That the periods during which payment for State lands may be made and the rates of interest under existing statutory law may be modified by the Board, if deemed advisable in order properly to cooperate with federal agencies.

SEC. 5. The Board is authorized to contract with the United States pursuant to Acts of Congress and the rules and regulations thereunder for soldier settlement and related purposes. For the purposes of general cooperation with the federal government hereunder, the Board may also contract with other States, and with municipal, quasi-municipal, and public corporations and private corporations and individuals.

SEC. 6. For the purposes of this Act, the Board may also, under contract with the United States, undertake any work of farm improvement, subdivision of the land, supervision of settlement, the selection of settlers, the agricultural training of prospective settlers, the supervision of short term loans, the rejection of applicants for allotments, the collection of moneys, the operation and maintenance of the projects undertaken, and may perform such other acts as may be necessary to effectuate full cooperation with federal agencies.

SEC. 7. The Board may also lease or assent to the lease of any lands pending receipt of application for the purchase thereof, may dedicate lands for schools, churches, roads, cemeteries, and other public purposes, may establish, develop and open for sale such townsites as may be desirable and provided by contract with the United States. The pro-

ceeds of all operations under this Act shall be covered into the Idaho Soldier Settlement Fund.

SEC. 8. The Board, in cooperation with the United States, is authorized to obtain suitable security by lien, by cooperation with public corporations or otherwise for the reimbursement of moneys expended hereunder by the United States, or by the State or by both jointly, or otherwise. All moneys expended by the State upon any project undertaken shall be reimbursable to the State in manner similar and to the same extent that moneys disbursed by the United States for co-operation with the State shall be reimbursable, and with the same interest, if any, upon such plan of amortization or other method of reimbursement as may be agreed upon pursuant to such Acts of Congress.

SEC. 9. State lands utilized hereunder and lands acquired pursuant to this Act shall be subject to State and local taxation and assessment for improvement purposes from the date of the execution of the contract for the purchase thereof by settlers upon any project undertaken hereunder. If the contracting purchaser shall fail to pay such taxes and assessments, the same may be paid from the fund hereby provided and charged to the purchaser with interest at the rate of ten per cent per annum from the date of payment.

SEC. 10. The Board shall make annual report to the Governor with a full statement of its operations and the results of its investigations and experience resulting from operations under this Act, together with recommendations for legislation, and shall furnish a copy of its report to the Secretary of the Interior.

SEC. 11. The Board is hereby authorized to perform such acts and make such rules and regulations as it may deem necessary and proper to carry this Act into full force and effect.

SEC. 12. Whereas, an emergency exists therefor, this Act shall be in force and effect after its passage and approval.

Approved March 7, 1919.

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## CHAPTER 25.

(H. B. No. 109.)

### AN ACT

CREATING A GAME PRESERVE WITHIN THE BOUNDARIES



OF THE POCA TELLO FOREST RESERVE AND PROVIDING PENALTIES FOR THE PURSUING, CAPTURING AND KILLING OF GAME OR CARRYING FIRE ARMS WITH CERTAIN EXCEPTIONS WITHIN THE AFORESAID BOUNDARIES, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby created within the boundaries of the Pocatello Forest Reserve within the State of Idaho a game preserve, the boundaries of which said game preserve are described as follows: Beginning at the northwest Corner of Section Six (6) Township seven (7) South, Range Thirty-Four (34) East of the Boise Meridian; thence East along the township line between Townships Six (6) and Seven (7) South, Range Thirty-four (34) East Boise Meridian, a distance of five miles to the Northeast corner of Section Two (2), Township Seven (7) South, Range Thirty-four (34) East, Boise Meridian; thence South along the Section lines between Sections one (1), Twelve (12) Thirteen (13), Twenty-four (24) and Two (2), Eleven (11), Fourteen (14) and Twenty-three (23) in Township Seven (7) South, Range Thirty-four (34) East, Boise Meridian three and one half miles; thence East through the center of Section Twenty-four (24) Township seven (7) South, Range Thirty-four (34) East, Boise Meridian one mile to the township line between Township Seven (7) South, Range Thirty-five (35) East and Township Seven (7) South, Range Thirty-four (34). East, Boise Meridian; thence south along said township line two miles and one half to the Northeast corner of Section one (1), Township Eight (8) South, Range Thirty-four East, Boise Meridian; thence East one mile to the Northeast corner of Section Six (6), Township Eight (8) South, Range Thirty-five (35) East, Boise Meridian being a point on the west bank of Mink Creek; thence South along the west bank of Mink Creek following the meanderings of said stream a distance of about seven miles, more or less, to the Southwest corner of Section Twenty-six (26), Township Eight (8) South, Range Thirty-four (34) East, Boise Meridian; thence north one mile to the Northwest corner of said Section; thence west one mile to the Northeast corner of Section Twenty-eight (28), Township Eight (8) South, Range Thirty-four (34) East, Boise Meridian; thence north two miles to the Northeast corner of Section Sixteen (16), Township Eight (8) South, Range Thirty-four (34) East, Boise Meridian; thence West one mile to the Northwest corner of Section Sixteen (16), Township Eight (8) South, Range Thirty-four (34) East,

Boise Meridian; thence North one mile to the Northeast corner of Section Eight (8), Township eight (8) South, Range Thirty-four (34) East, Boise Meridian; thence west one mile to the Northwest corner of Section Eight (8), Township eight (8) South, Range Thirty-four (34), East, Boise Meridian; thence north one mile to the North-east corner of Section Six (6), Township Eight (8) South, Range Thirty-four (34) East, Boise Meridian; thence West one mile to the Northwest corner of Section Six (6), Township Eight (8) South, Range Thirty-four East, Boise Meridian; thence North along the township line between Township Seven (7) South, Range Thirty-four (34) East and Township Seven (7) South, Range Thirty-three (33) East, Boise Meridian a distance of six miles to the place of beginning. The foregoing description by metes and bounds including the following sections, to-wit: All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, the south half of 24, Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, in Township Seven (7) South, Range Thirty-four (34) East, Boise Meridian; including the westerly portions of Sections 5 and 18, and Section 6 and all except the southeastern portion of Section Seven (7), Township Eight (8) South, Range Thirty-five (35) East, Boise Meridian; and Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 15, 22 and 23, and the westerly portions of Section 24 and 26 and all but the southeastern portion of Section 13, Township Eight (8) South, Range Thirty-four (34) East, Boise Meridian.

SEC. 2. It will be unlawful for any person or persons at any time, to hunt, pursue, trap or kill, capture or chase any game animal, or animals, bird or birds, of whatsoever kind or description within the aforementioned Pocatello Forest Reserve.

SEC. 3. It shall be unlawful for any person or persons to have in their possession at any time, upon the aforementioned Pocatello Forest Reserve, any of the animals or birds mentioned, dead or alive, while upon the said Pocatello Forest Reserve. Provided, that nothing in this Act shall apply to officers of the law, forest rangers and other authorized persons in respect to carrying guns and traps, for the destruction of predatory animals.

SEC. 4. The restrictions herein contained with reference to killing, and the carrying of fire arms shall not apply to any lands embraced within said game preserve which said lands now are, or may hereafter be, held, owned or possessed by any private person or corporation.

SEC. 5. Any person or persons violating the provisions



of this Act shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00), or imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the Court; such fines to be turned into the fish and game fund unless otherwise provided.

SEC. 6. This game preserve is created for a permanent game preserve.

SEC. 7. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.

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## CHAPTER 26.

(H. B. No. 121.)

### AN ACT

GRANTING RELIEF TO CERTAIN CLAIMANTS FOR BOUNTIES UNDER THE BOUNTY PROVIDED FOR BY THE STATE LIVESTOCK SANITARY BOARD, AND APPROPRIATING THEREFOR THE SUM OF THREE THOUSAND EIGHT HUNDRED AND NINETY-NINE DOLLARS; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. WHEREAS the Livestock Sanitary Board at a meeting held on January 22, 1919, adopted the following resolution:

“WHEREAS, in March 1914, the District Court of the Fourth Judicial District rendered a decision relative to the payment of bounty by the Live Stock Sanitary Board from a fund known as the predatory animal fund, which decision was in effect that such bounties could not be legally paid, and further, that in April, 1914, the Supreme Court of the State of Idaho affirmed this decision, which rendered it impossible for the Live Stock Sanitary Board to disburse money in the payment of bounty claims; At the time that these decisions were rendered, claims amounting to \$3,899.00 in favor of parties shown on attached list, were pending the action of the Sanitary Board and the State Board of Examiners. Many of these claims were in the hands of innocent purchasers and all the service was rendered in good

faith, believing that re-imbursements in the way of bounties from the predatory animal fund would be received as had been the usual custom before. The Sanitary Board believing these claims to be just and morally payable by the State retained sufficient moneys in the predatory animal fund to cover the amount of these claims; said money, however, at the present time has been returned to the general fund under the existing statute of the State. Therefore, be it resolved by the Live Stock Sanitary Board that it do recommend to the Fifteenth Session of the Legislature that a relief bill be passed in the amount of \$3,899.00, and an appropriation made from the general fund, and the Live Stock Sanitary Board be empowered to authorize the payment of the above claims to be passed upon and paid as other claims against the State.

| 24 | NAME                    | ADDRESS                | Amt. of Claim |
|----|-------------------------|------------------------|---------------|
| 25 | Acuff, W. M.....        | Rupert .....           | \$ 1.00       |
| 26 | Anderson, Geo. ....     | Murtaugh .....         | 3.00          |
| 27 | Anderson, A. F.....     | Shelley, R. D. No. 1.. | 8.00          |
| 28 | Aldous, W. H.....       | Clyde .....            | 20.00         |
| 29 | Allan, J. B.....        | Rock Creek.....        | 5.00          |
| 30 | Albano, S. C.....       | Spencer .....          | 1.00          |
| 31 | Adams, C. W.....        | Weiser .....           | 1.00          |
| 32 | Atwell, Zan .....       | Gooding .....          | 1.00          |
| 33 | Bradshaw, James .....   | Clayton .....          | 8.00          |
| 34 | Bishop, Richard .....   | Malta .....            | 2.00          |
| 35 | Burden, Jasper .....    | Potlatch, No. 1.....   | 15.00         |
| 36 | Burden, A. L.....       | Garfield, Wn., No. 3   | 20.00         |
| 37 | Burden, John .....      | Potlatch No. 1.....    | 4.00          |
| 38 | Butler, Arthur H.....   | Bliss .....            | 3.00          |
| 39 | Briggs, Samuel D.....   | Wendell .....          | 10.00         |
| 40 | Briggs, J. W.....       | Wendell .....          | 51.00         |
| 41 | Basil, Jesse L.....     | Lennox .....           | 6.00          |
| 42 | Buffi, Barney .....     | Sterling, Box 52.....  | 2.00          |
| 43 | Bertschy, Geo. ....     | Riddle .....           | 10.00         |
| 44 | Becksted, Albert .....  | Whitney .....          | 2.00          |
| 45 | Burk, T. E. ....        | Arco .....             | 6.00          |
| 46 | Baker, McKinley .....   | Arco .....             | 3.00          |
| 47 | Baumgartner, John ..... | Dubois .....           | 5.00          |
| 48 | Bowles, J. H.....       | Kooskia .....          | 2.00          |
| 49 | Bennett, Parley .....   | Kilgore .....          | 1.00          |
| 50 | Bailey, M. A.....       | Mackay .....           | 6.00          |
| 51 | Brittain, Martin M..... | Three Creek .....      | 4.00          |
| 52 | Baker, G. L.....        | Clayton .....          | 18.00         |
| 53 | Betty, C. H.....        | Rupert .....           | 2.00          |
| 54 | Bascom, A. H.....       | Dickey .....           | 3.00          |



|     | NAME                | ADDRESS     | Amt. of Claim |
|-----|---------------------|-------------|---------------|
| 55  | Brown, W. E.        | Carey       | 6.00          |
| 56  | Borden, Ross        | Shoshone    | 2.00          |
| 57  | Bannock, Paul       | Blackfoot   | 6.00          |
| 58  | Bradbury, Robt.     | Rathdrum    | 1.00          |
| 59  | Barrus, R. H.       | Blackfoot   | 1.00          |
| 60  | Brooks, Hubert      | Blaine      | 10.00         |
| 61  | Billings, A. A.     | Challis     | 20.00         |
| 62  | Baker, J. A.        | Cambridge   | 1.00          |
| 63  | Bullock, W. R.      | Elk City    | 8.00          |
| 64  | Bundy, Sanford      | Soldier     | 8.00          |
| 65  | Bailey, M. A.       | Mackay      | 3.00          |
| 66  | Bahling, M. E.      | Howe        | 11.00         |
| 67  | Burk, E. E.         | Arco        | 4.00          |
| 68  | Bertschy Geo.       | Riddle      | 10.00         |
| 69  | Becksted, Leo       | Swan Lake   | 43.00         |
| 70  | Bailey, John        | Oakley      | 3.00          |
| 71  | Brooks, Angus       | Blaine      | 1.00          |
| 72  | Bandres, Francesco  | Homedale    | 3.00          |
| 73  | Baugh, P. F.        | Bridge      | 2.00          |
| 74  | Bowles, Chas.       | Kooskai     | 10.00         |
| 75  | Brisco, R.          | Moulton     | 5.00          |
| 76  | Clements, Ezra      | Pocatello   | 6.00          |
| 77  | Clements, Ezra      | Pocatello   | 14.00         |
| 78  | Christian, Jas.     | Goldberg    | 1.00          |
| 79  | Coe, Jas.           | Rogerson    | 1.00          |
| 80  | Combe, Louie        | Arco        | 2.00          |
| 81  | Cloud, Joe          | Stanton     | 23.00         |
| 82  | Collins, C. F.      | Bellevue    | 2.00          |
| 83  | Cressler, B. F.     | Kooskai     | 2.00          |
| 84  | Cowan, Chas. C.     | Rea         | 1.00          |
| 85  | Cowan, Chas. C.     | Rea         | 1.00          |
| 86  | Chaney, Ira         | Blaine      | 4.00          |
| 87  | Chaney, Ira         | Blaine      | 7.00          |
| 88  | Caskey, Maggie      | Rogerson    | 6.00          |
| 89  | Carter, Clarence    | Idaho Falls | 13.00         |
| 90  | Chichatibo          | Shelley     | 1.00          |
| 91  | Coudert, Thos.      | Three Creek | 10.00         |
| 92  | Conley, W. H.       | Blackfoot   | 1.00          |
| 93  | Covey, W. T.        | Weiser      | 2.00          |
| 94  | Cordova, Cass       | Minidoka    | 4.00          |
| 95  | Chester, James      | Henry       | 22.00         |
| 96  | Clark, I.           | Roseberry   | 6.00          |
| 97  | Conant, Mrs. P. O.  | Conant      | 7.00          |
| 98  | Chatterton, Wilford | Robin       | 3.00          |
| 99  | Clemins, M.         | Malta       | 7.00          |
| 100 | Colson, J. L.       | Mora        | 1.00          |

|     | NAME                 | ADDRESS            | Amt. of Claim |
|-----|----------------------|--------------------|---------------|
| 101 | Cushman, J. R.       | Springfield        | 1.00          |
| 102 | Clark, Hugh L.       | Malad, No. 2       | 3.00          |
| 103 | Clemens, Frank       | Weiser             | 1.00          |
| 104 | Crawford, W. R.      | Middleton          | 1.00          |
| 105 | Cherry, W. H.        | Grouse             | 14.00         |
| 106 | Conway, Paul         | Three Creek        | 4.00          |
| 107 | Cahoon, W. D.        | Almo               | 262.00        |
| 108 | Capell, Ed.          | Robin              | 2.00          |
| 109 | Dunning, Dow         | Homedale           | 9.00          |
| 110 | Duffy, Geo.          | Weiser             | 3.00          |
| 111 | DeHorty, Mabel       | Centerville        | 1.00          |
| 112 | Darrey, Wm.          | Alexander          | 30.00         |
| 113 | Dewey, Lee           | Albion             | 2.00          |
| 114 | Daly, Jas.           | Boise              | 2.00          |
| 115 | Detwiler, A.         | Stone              | 4.00          |
| 116 | Dennison, J. T.      | Moore              | 7.00          |
| 117 | Denniston, E. R.     | Gannett            | 3.00          |
| 118 | Dawson, Leon A.      | Heyburn            | 17.00         |
| 119 | Delzer, Wm.          | Tabor              | 4.00          |
| 120 | Davis, Geo.          | Acequia            | 10.00         |
| 121 | Drummond, Frank, Pay | Fairylawn          | 47.00         |
| 122 | to C. S. Davis       | Caldwell           |               |
| 123 | Dougherty, J.        | Midvale            | 2.00          |
| 124 | Davis, C. W.         | Caldwell           | 147.00        |
| 125 | Eaton, H. H.         | Mtn. Home          | 73.00         |
| 126 | Eames, Robt.         | Almo               | 10.00         |
| 127 | Espitarto, Domingo   | Bliss              | 9.00          |
| 128 | Exeter, Thos.        | Robin              | 10.00         |
| 129 | Edministon, W. R.    | Picabo             | 3.00          |
| 130 | Edwards, H. H.       | Soldier            | 1.00          |
| 131 | Enneking, Joe        | Keuterville        | 7.00          |
| 132 | Evans, Freeland      | Robin              | 4.00          |
| 133 | Estes, Lee R.        | Three Creek        | 14.00         |
| 134 | Edwards, C. R.       | Cambridge          | 1.00          |
| 135 | Evans, Bill          | Malad              | 2.00          |
| 136 | Ferree, Wm.          | Bliss              | 9.00          |
| 137 | Francis, John H.     | Pocatello, Box 514 | 3.00          |
| 138 | Flowers, Eugene      | Ketchum            | 10.00         |
| 139 | Frederiksen, H. E.   | Kilgore            | 2.00          |
| 140 | Fletcher, W. A.      | Glenns Ferry       | 39.00         |
| 141 | Fredrich, Reinhold   | Malad              | 5.00          |
| 142 | Force, A. C.         | Roberts            | 12.00         |
| 143 | Fairfield, Harvey    | Kendrick, No. 2    | 3.00          |
| 144 | Fall Creek Sheep Co. | American Falls     | 66.00         |
| 145 | Green, Ray           | Buhl               | 1.00          |
| 146 | Green, Steve         | Small              | 3.00          |



|     | NAME                    | ADDRESS                      | Amt. of Claim |
|-----|-------------------------|------------------------------|---------------|
| 147 | Green, John G.....      | Malad .....                  | 6.00          |
| 148 | Gehring, Ben .....      | Keuterville .....            | 2.00          |
| 149 | Gosnell, T. B.....      | Payette, co R. L. Shaw ..... | 3.00          |
| 150 | Goddard, John .....     | Reno .....                   | 5.00          |
| 151 | Griffin, A. B. ....     | Idaho Falls .....            | 16.00         |
| 152 | Grimand, A. ....        | Blackfoot .....              | 1.00          |
| 153 | Groves, Jesse .....     | Bruneau .....                | 50.00         |
| 154 | Graham, Joe .....       | Sterling .....               | 2.00          |
| 155 | Goehry, J. L.....       | Murphy .....                 | 39.00         |
| 156 | Hubbard, Howard .....   | Malta .....                  | 2.00          |
| 157 | Hobdey, C. E.....       | Bliss .....                  | 4.00          |
| 158 | Hibner, A. E.....       | Soda Springs .....           | 85.00         |
| 159 | Hammon, Daniel .....    | Ozone .....                  | 7.00          |
| 160 | Hughes, Jim .....       | Pine .....                   | 20.00         |
| 161 | Hanscom, Chas. ....     | Pocatello .....              | 41.00         |
| 162 | Hatch, Samuel P. P..... | Downey .....                 | 1.00          |
| 163 | Hatch, Samuel P. P..... | Downey .....                 | 3.00          |
| 164 | Herman, W. H.....       | Melba .....                  | 2.00          |
| 165 | Horlachen, Fred .....   | Malad .....                  | 4.00          |
| 166 | Henderson, R. J. ....   | Wilson .....                 | 5.00          |
| 167 | Hennesy, Albert .....   | Edwardsburg .....            | 2.00          |
| 168 | Hurst, D. W. ....       | Arco .....                   | 3.00          |
| 169 | Hewitt, H. L. ....      | Hailey .....                 | 1.00          |
| 170 | Hensley, J. E.....      | Riggins .....                | 4.00          |
| 171 | Howard, B. D.....       | Emmett .....                 | 3.00          |
| 172 | H oena, Sam .....       | Fort Hall .....              | 2.00          |
| 173 | Hamilton, Wm. ....      | May .....                    | 1.00          |
| 174 | Hubble, A. ....         | Taber .....                  | 3.00          |
| 175 | Harris, Geo. ....       | Rexburg .....                | 8.00          |
| 176 | Ipsen, Nephi .....      | Malad .....                  | 1.00          |
| 177 | Josephsen, Alma .....   | Stone .....                  | 31.00         |
| 178 | Jorgensen, J. K. ....   | Dietrich .....               | 2.00          |
| 179 | Jeffrey, James .....    | Weiser .....                 | 1.00          |
| 180 | Jensen, Ben D. ....     | Hatch .....                  | 29.00         |
| 181 | Jones, Ed. B. ....      | Malad .....                  | 5.00          |
| 182 | Johnson, R. P.....      | Inkom .....                  | 1.00          |
| 183 | Jacoby, Elmer .....     | Dubois .....                 | 6.00          |
| 184 | Jensen, Isaac .....     | Soda Springs .....           | 48.00         |
| 185 | Johnson, R. P. ....     | Inkom .....                  | 1.00          |
| 186 | Jacobsen, Albert .....  | Hagerman .....               | 1.00          |
| 187 | Jefferson, Tommy .....  | Fort Hall .....              | 1.00          |
| 188 | Jones, Howard .....     | Patterson .....              | 14.00         |
| 189 | Jones, B. C. ....       | Indian Valley .....          | 1.00          |
| 190 | Johnson, Fred .....     | Midvale .....                | 9.00          |
| 191 | Kramer, Charles .....   | Soldier .....                | 2.00          |
| 192 | Kemble, J. G. ....      | McCall .....                 | 3.00          |

|     | NAME              | ADDRESS          | Amt. of Claim |
|-----|-------------------|------------------|---------------|
| 193 | Kramer, Chas.     | Soldier          | 5.00          |
| 194 | Kroger, Jos.      | Kilgore          | 1.00          |
| 195 | Kendrick, Oscar   | Dubois           | 10.00         |
| 196 | Knight, Oliver    | Reno             | 1.00          |
| 197 | Kelley, Verne     | Dubois           | 4.00          |
| 198 | Kelson, Alma      | Spencer          | 7.00          |
| 199 | Kasel, Edw. J.    | Tabor            | 3.00          |
| 200 | Kramer, Chas.     | Soldier          | 3.00          |
| 201 | Kemsley, Chas.    | Malta            | 11.00         |
| 202 | Leonard, E. L.    | Bellevue         | 16.00         |
| 203 | Loomis, M. R.     | Roseberry        | 20.00         |
| 204 | Loomis, Clarence  | Roseberry        | 1.00          |
| 205 | Lamb, Roy         | Hagerman         | 8.00          |
| 206 | Leisinger, Jake   | Clayton          | 8.00          |
| 207 | Landers, Ben      | Boise            | 6.00          |
| 208 | Lamson, Harry J.  | Blaine           | 17.00         |
| 209 | Lee, J. C.        | Arco             | 1.00          |
| 210 | Lowry, W. H.      | Arco             | 1.00          |
| 211 | Laverty, W. J.    | Bellevue         | 25.00         |
| 212 | John E. Lehman    | Mackay           | 2.00          |
| 213 | Lehman, John      | Mackay           | 3.00          |
| 214 | Lehman, Rudolph   | Mackay           | 2.00          |
| 215 | Lehman, Joe E.    | Mackay           | 6.00          |
| 216 | Lemons, Walter H. | Joseph           | 2.00          |
| 217 | Lowe, R. D.       | Blackfoot, No. 4 | 1.00          |
| 218 | Lowe, Lester      | Franklin         | 3.00          |
| 219 | Moulten, P. D.    | Emmett           | 20.00         |
| 220 | Moore, Alvy       | Ucon             | 65.00         |
| 221 | Mohr, D. W.       | Boise            | 1.00          |
| 222 | Meeks, L. A.      | Bliss            | 11.00         |
| 223 | Meadows, M. E.    | Roseberry        | 1.00          |
| 224 | Matson, T. C.     | Spink            | 1.00          |
| 225 | Mathis, B. H.     | Inkom            | 4.00          |
| 226 | Muller, John      | Boise            | 2.00          |
| 227 | Malthy, S. L.     | Rogerson         | 3.00          |
| 228 | Marshall, Wm.     | Albion           | 6.00          |
| 229 | Mizer, Jacob      | Hailey           | 7.00          |
| 230 | Mallicoat, Sam    | Shoshone         | 15.00         |
| 231 | Morey, Wm.        | Rathdrum         | 1.00          |
| 232 | Martin, Julius    | Fort Hall        | 1.00          |
| 233 | Marshall, Gim     | Blackfoot        | 1.00          |
| 234 | Munro, Orren      | Soda Springs     | 4.00          |
| 235 | Ruby, Mellen      | Mtn. Home        | 291.00        |
| 236 | Ruby, Mellen      | Mtn. Home        | 134.00        |
| 237 | Moon, J. R.       | Almo             | 12.00         |
| 238 | Mikesell, S. P.   | Almo             | 228.00        |



|     | NAME               | ADDRESS           | Amt. of Claim |
|-----|--------------------|-------------------|---------------|
| 239 | McConvill, J. H.   | Weiser            | 1.00          |
| 240 | McDaniel, Walter   | Malta             | 13.00         |
| 241 | McIntosh, Carlos   | Oakley            | 5.00          |
| 242 | Macnab, Bert       | Salmon            | 4.00          |
| 243 | McLarry, Lucien    | Arbon             | 1.00          |
| 244 | Norton, C. E.      | Twin Falls, No. 2 | 3.00          |
| 245 | Nassee, Wm. E.     | Marley            | 3.00          |
| 246 | Nese, John         | Blackfoot         | 1.00          |
| 247 | Navo, Charlie      | Blackfoot         | 1.00          |
| 248 | Navo, Charlie      | Blackfoot         | 5.00          |
| 249 | Ogel, C. H.        | Bliss             | 3.00          |
| 250 | Pidgeon, Chas.     | Boise             | 1.00          |
| 251 | Patterson, J. T.   | Gooding           | 3.00          |
| 252 | Pyeatt, Frank      | Gendoy            | 43.00         |
| 253 | Purcell, Nephi     | Payette           | 7.00          |
| 254 | Poulson, Emery     | Kilgore           | 5.00          |
| 255 | Poulson, Emery     | Kilgore           | 3.00          |
| 256 | Poulson, Emery     | Kilgore           | 1.00          |
| 257 | Pershall, Avery    | Arco              | 2.00          |
| 258 | Pace, A. L.        | Roberts           | 1.00          |
| 259 | Palmer, S. J.      | Pocatello         | 2.00          |
| 260 | Pinneo, Chas.      | Bruneau           | 14.00         |
| 261 | Pinneo, Chas.      | Bruneau           | 6.00          |
| 262 | Price, John R.     | Malad             | 10.00         |
| 263 | Pyle, Guy          | Sterling          | 1.00          |
| 264 | Qualls, M. B.      | Weiser            | 4.00          |
| 265 | Qualey, K. C.      | Joseph            | 20.00         |
| 266 | Regan, D. E.       | Twin Falls        | 5.00          |
| 267 | Reynolds, Aviner   | Rogerson          | 9.00          |
| 268 | Reeves, A. J.      | Weiser            | 2.00          |
| 269 | Roberts, Roy       | Reno              | 4.00          |
| 270 | Reber, John        | Kilgore           | 15.00         |
| 271 | Reese, W. A.       | Aberdeen          | 2.00          |
| 272 | Ryals, Chester     | Boise             | 10.00         |
| 273 | Ross, Ben          | Weiser            | 4.00          |
| 274 | Steffen, G. W.     | Harvard           | 11.00         |
| 275 | Satterfield, A. J. | Sterling          | 1.00          |
| 276 | Shimp, S. B.       | Bliss             | 1.00          |
| 277 | Schmidt, Geo.      | Soda Springs      | 9.00          |
| 278 | Strong, Olive      | Holbrook          | 13.00         |
| 279 | Swenson, Hjalmar   | Moore             | 5.00          |
| 280 | Scalzo, Antonio    | Small             | 6.00          |
| 281 | Stevens, Ralph     | Murtaugh          | 1.00          |
| 282 | Sacks, Carl        | Dubois            | 12.00         |
| 283 | Sutfin, H. M.      | Payette           | 2.00          |
| 284 | Starr, Claud       | Salmon            | 10.00         |

|     | NAME                     | ADDRESS            | Amt. of Claim |
|-----|--------------------------|--------------------|---------------|
| 285 | Stump, C. M. ....        | Dietrich .....     | 7.00          |
| 286 | Stump, C. M. ....        | Dietrich .....     | 20.00         |
| 287 | Smith, A. L. ....        | Mackay .....       | 14.00         |
| 288 | Stout, Charlie .....     | Blackfoot .....    | 1.00          |
| 289 | Sjoberg, John E. ....    | Firth .....        | 1.00          |
| 290 | Sova, J. S. ....         | Blackfoot .....    | 1.00          |
| 291 | Siessen, H. F. ....      | Tabor .....        | 3.00          |
| 292 | Stevens, L. C. ....      | Arco .....         | 1.00          |
| 293 | Shanafelt, Wm. ....      | Ellis .....        | 3.00          |
| 294 | Salin, Claus .....       | Dietrich .....     | 2.00          |
| 295 | Schlehuft, John .....    | Cambridge .....    | 4.00          |
| 296 | Shufeldt, F. L. ....     | Soda Springs ..... | 3.00          |
| 297 | Stanton, Charles H. .... | Twin Falls .....   | 4.00          |
| 298 | Slocum, F. E. J. ....    | Jerome .....       | 2.00          |
| 299 | Surpless, S. J. ....     | Almo .....         | 8.00          |
| 300 | Sawyer, D. E. ....       | Strevell .....     | 12.00         |
| 301 | Towell, O. B. ....       | Midvale .....      | 4.00          |
| 302 | Tolman, Orlin .....      | Oakley .....       | 13.00         |
| 303 | Tolley, Will .....       | Sweet .....        | 15.00         |
| 304 | Tobais, Ross .....       | Baker .....        | 5.00          |
| 305 | Thalman, Robt. ....      | Chilly .....       | 18.00         |
| 306 | Thompson, Claude .....   | Hailey .....       | 1.00          |
| 307 | Taylor, Edgar .....      | Spencer .....      | 1.00          |
| 308 | Teton, Oliver .....      | Fort Hall .....    | 3.00          |
| 309 | Thorpe, Joseph .....     | Blackfoot .....    | 1.00          |
| 310 | Turner, Willie .....     | Bruneau .....      | 4.00          |
| 311 | Tindall, Chester .....   | Tindall .....      | 6.00          |
| 312 | Tahara, D. K. ....       | Arco .....         | 5.00          |
| 313 | Thalman, Robt. ....      | Chilly .....       | 9.00          |
| 314 | Uhlig, Chas. ....        | Oakley .....       | 7.00          |
| 315 | Vaughn, Eli .....        | Malad .....        | 1.00          |
| 316 | Vance, J. F. ....        | Ellis .....        | 14.00         |
| 317 | Vest Andy .....          | Blackfoot .....    | 2.00          |
| 318 | Weidenhamer, J. H. ....  | Oakley .....       | 5.00          |
| 319 | William J. Taylor .....  | Bliss .....        | 6.00          |
| 320 | Wagner, J. R. ....       | King Hill .....    | 7.00          |
| 321 | Wagner, J. R. ....       | King Hill .....    | 7.00          |
| 322 | Wallace, Clarence .....  | New Meadows .....  | 2.00          |
| 323 | Withers, Geo. W. ....    | Roseberry .....    | 7.00          |
| 324 | Willey, Claude .....     | Roseberry .....    | 1.00          |
| 325 | Willey, Claude .....     | Roseberry .....    | 3.00          |
| 326 | Wesson, J. H. ....       | Nampa, No. 4 ..... | 4.00          |
| 327 | Woolwine, Philip .....   | Leadore .....      | 9.00          |
| 328 | Willis, Tom .....        | Rogerson .....     | 5.00          |
| 329 | Willis, J. ....          | Rogerson .....     | 7.00          |
| 330 | Wright, J. M. ....       | Bellevue .....     | 2.00          |



|     | NAME                      | ADDRESS                | Amt of Claim |
|-----|---------------------------|------------------------|--------------|
| 331 | Watts, Ralph .....        | Reno .....             | 4.00         |
| 332 | Wilson, Clarence .....    | Bellevue .....         | 8.00         |
| 333 | Weeks, C. C. ....         | Shoshone .....         | 1.00         |
| 334 | Warner, Dell B. ....      | Glenns Ferry .....     | 2.00         |
| 335 | Warner, Dell B. ....      | Glenns Ferry .....     | 9.00         |
| 336 | Whitlatch, J. S. ....     | Roberts .....          | 15.00        |
| 337 | Webb, Alma .....          | Springfield .....      | 2.00         |
| 338 | Webb, Alma .....          | Springfield .....      | 1.00         |
| 339 | Whiting, Jay .....        | Robin .....            | 15.00        |
| 340 | Young, A. ....            | Inkom .....            | 1.00         |
| 341 | Zabala, Paul .....        | Glenns Ferry .....     | 6.00         |
| 342 | Zelkey, Robert .....      | May .....              | 2.00         |
| 343 | Zeigler, A. A. ....       | Blackfoot, No. 1 ..... | 1.00         |
| 344 | Vansickle, E. ....        | Mountain Home .....    | 85.00        |
| 345 | Bates, Harry .....        | Goldburg .....         | 1.00         |
| 346 | Baker, McKinley .....     | Arco .....             | 2.00         |
| 347 | Brown, Fred L. ....       | Pocatello .....        | 5.00         |
| 348 | Webster, J. W. ....       | Rexburg .....          | 226.00       |
| 349 | Bayer, Wayne .....        | Hagerman .....         | 1.00         |
| 350 | Bowler, Geo. ....         | Roy .....              | 3.00         |
| 351 | Cleveland, Ernest .....   | May .....              | 1.00         |
| 352 | Cross, R. T. ....         | Crooks .....           | 5.00         |
| 353 | Croskey, R. W. ....       | Blackfoot .....        | 1.00         |
| 354 | Davis, Ralph .....        | Heath .....            | 27.00        |
| 355 | Denham, H. H. ....        | Payette .....          | 2.00         |
| 356 | Frohman, Marvin .....     | Bliss .....            | 2.00         |
| 357 | Gridley, C. A. ....       | Hagerman .....         | 1.00         |
| 358 | Hutchinson, Garret .....  | Malta .....            | 2.00         |
| 359 | Hurrie, E. A. ....        | New Plymouth .....     | 1.00         |
| 360 | Johnson, Ed. ....         | Mountain Home .....    | 14.00        |
| 361 | Monke, Wm. T. ....        | May .....              | 4.00         |
| 362 | Mallicat, Sam .....       | Shoshone .....         | 3.00         |
| 363 | McDaniel, Walter .....    | Malta .....            | 3.00         |
| 364 | Naillon, Harrison .....   | Pingree .....          | 1.00         |
| 365 | Norris, A. P. ....        | Inkom .....            | 2.00         |
| 366 | Patrick, Wm. ....         | Hagerman .....         | 6.00         |
| 367 | Peters, C. M. ....        | Hagerman .....         | 5.00         |
| 368 | Roberts, Geo. ....        | Wendell .....          | 1.00         |
| 369 | Smith, Geo. W. ....       | Clayton .....          | 10.00        |
| 370 | Stone, E. A. ....         | Payette .....          | 3.00         |
| 371 | Sharp, D. T. ....         | Filer .....            | 1.00         |
| 372 | Townsend, L. J. ....      | Hollister .....        | 5.00         |
| 373 | Thompson, Mrs. J. H. .... | Stanley .....          | 3.00         |
| 374 | Valenty, Sam .....        | Pingree .....          | 1.00         |
| 375 | Vest, Andy .....          | Blackfoot .....        | 2.00         |
| 376 | Wilson, B. D. ....        | Payette .....          | 3.00         |

|     | NAME               | ADDRESS           | Amt of Claim |
|-----|--------------------|-------------------|--------------|
| 377 | Wilson, B. D. .... | Payette .....     | 2.00         |
| 378 | Weise, Chris ..... | Idaho Falls ..... | 9.00         |
| 381 | TOTAL .....        |                   | \$3,899.00   |

Now, Therefore, the Legislature believing that the foregoing claims are just claims and should be paid by the State the sum of three thousand eight hundred and ninety-nine dollars (\$3,899.00) is hereby appropriated out of any money in the State Treasury, not otherwise appropriated for the relief of each and every of the persons above mentioned in the amounts set opposite their respective names, and the State Auditor is hereby authorized empowered and directed upon presentation to him of a certified copy of this Act, to deliver his warrant upon the general fund of the State of Idaho in favor of each and every of the above named parties to the said parties respectively for the amounts set opposite his respective name, and the State Treasurer is hereby authorized and directed to pay said warrant.

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.

## CHAPTER 27.

(H. B. No. 216.)

### AN ACT

TO AMEND SECTION 4462 OF THE COMPILED LAWS OF IDAHO; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 4462 of the Compiled Laws of Idaho be and the same hereby is amended to read as follows:

Section 4462. Judgments in the District Court of the United States, if rendered in this State, may be made liens upon the real estate owned by the defendant, and also upon all real estate he may subsequently acquire, the same as if obtained in the District Court of the State, by filing an attested copy of the judgments in the office of the county recorder of the county in which the real estate is situated; and no lien shall attach to the lands or other realty in any county of this state until the date of filing such transcript.

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SEC. 2. Whereas an emergency exists, this Act shall take effect and be in force from and after its approval.

Approved March 7, 1919.

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## CHAPTER 28.

(H. B. No. 19.)

### AN ACT

TO PROVIDE FOR THE IMPROVEMENT OF THE LEWISTON STATE NORMAL SCHOOL; PROVIDING FOR THE CONSTRUCTION OF AN ADMINISTRATION BUILDING TO REPLACE THE ONE RECENTLY DESTROYED BY FIRE; AUTHORIZING THE STATE BOARD OF EDUCATION AND REGENTS OF THE UNIVERSITY OF IDAHO TO ACCEPT ON BEHALF OF THE STATE A GIFT OF LAND FOR THE USE OF THE NORMAL SCHOOL; PROVIDING FOR THE PURCHASE OF LAND ADJOINING THE CAMPUS; MAKING APPROPRIATIONS THEREFOR; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the State Board of Education and Regents of the University of Idaho be and hereby are authorized and directed to prepare or cause to be prepared plans and specifications for the construction of a fireproof Administration Building for the Lewiston State Normal School to replace the building recently destroyed by fire, and to provide for the erection and construction of the said building.

SEC. 2. That there is hereby appropriated from the general fund of the State Treasury for the erection, construction and completion of the said fireproof Administration Building, the sum of Eighty-four Thousand and Five Dollars (\$84,005.00), the same being the amount paid into the general fund of the State Treasury in reimbursement of the losses to the old administration building and contents by fire, and the additional sum of Sixty-Five Thousand Nine Hundred and Ninety-Five Dollars (\$65,995.00), making a total sum of One Hundred and Fifty Thousand Dollars (\$150,000.00), or so much thereof as may be necessary for the erection, construction and completion of the said building.

SEC. 3. That the State Board of Education and Regents of the University of Idaho are hereby authorized to accept on behalf of the State for the use of the Lewiston State

Normal School, the gift from the City of Lewiston of a tract of land of approximately five and one-half (5½) acres adjoining the Normal School campus.

SEC. 4. That the State Board of Education and Regents of the University of Idaho be and hereby are authorized to acquire by purchase from the owners thereof certain tracts of land with the improvements thereon, at an aggregate cost of not to exceed Fifteen Thousand Dollars (\$15,000.00), lying between Fourth Street, Lewiston, Idaho, and the campus of the Lewiston State Normal School as enlarged by the tract of land referred to in Section 3 herein.

SFC. 5. That the sum of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary, be and hereby is appropriated out of any money in the general fund of the State Treasury not otherwise appropriated for the purchase of said land.

SEC. 6. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 8, 1919.

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## CHAPTER 29.

(S. B. No. 30.)

### AN ACT

APPROPRIATING THIRTY THOUSAND DOLLARS (\$30,000.00) FOR THE CONSTRUCTION OF IMPROVEMENTS ON THE SOUTH FORK OF THE SNAKE RIVER IN JEFFERSON AND MADISON COUNTIES, STATE OF IDAHO; PROVIDING FOR A COMMISSION WHICH SHALL HAVE GENERAL CONTROL OF THE CONSTRUCTION OF SAID IMPROVEMENT AND OF THE DISBURSEMENT OF THIS APPROPRIATION AND PRESCRIBING ITS POWERS AND DUTIES AS SUCH, AND PROVIDING WHEN AND HOW THE APPROPRIATION SHALL BE EXPENDED AND DISBURSED; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That river improvements, consisting of levees, jetties, dams, or other preventive measures to confine the river in its proper channel, shall be constructed on the South Fork of the Snake River, in Jefferson and Madison Counties, Idaho. The character and extent of said improvement and the distance that the same shall extend up



and down said river shall be determined by the commission herein provided for.

SEC. 2. There is hereby created a commission which shall have general supervision and control of the construction of said improvements which shall receive the same when completed and certify the completion thereof to the Governor of the State of Idaho, and which shall supervise and control the disbursement of the funds provided and appropriated by this act, or so much thereof as may be necessary. Said commission shall consist of the state engineer, and two commissioners, one appointed by the county commissioners of Jefferson County and one appointed by the county commissioners of Madison County. For their services as such commissioners, with the exception of the state engineer, they shall each receive their actual and necessary expenses incurred while actually and necessarily engaged in the discharge of their duties; *Provided*, That the said commission shall not enter upon the discharge of the duties and exercise the powers herein set forth until the 1st day of April, 1919.

SEC. 3. Upon the completion of the construction of the said improvements and the issuance of the certificate of completion thereof to the Governor of the State of Idaho, the commission provided for in section two of this act shall no longer exist.

SEC. 4. The manner, character and extent of said improvement shall be determined by the said commission. The state engineer shall, under the direction of the commission, prepare all maps, plans and specifications as may be necessary to carry out the provisions of this act, and the cost of such maps, plans and specifications shall be a charge against the fund herein provided.

SEC. 5. The construction of said improvement shall be let by contract to the lowest and best bidder, who shall give a good and sufficient bond for the construction thereof, according to the plans and specifications aforesaid, in such sum as said commission may deem proper.

SEC. 6. The cost and charges of making surveys for said improvement and the expenses of the commission provided for in section two of this act shall be included as part of the cost and value of constructing said improvement.

SEC. 7. For the purpose of paying a part of the costs and expenses of building and constructing said improvements provided for in section one of this act, there is hereby appropriated Thirty Thousand Dollars (\$30,000.00) out of any money in the state treasury not otherwise appropriated.

SEC. 8. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1919.

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## CHAPTER 30.

(S. B. No. 9.)

### AN ACT

VESTING IN THE DEPARTMENT OF PUBLIC WELFARE FOR THE MANAGEMENT OF THE LANDS AND PROPERTY OF THE STATE OF IDAHO, WITHIN AND NEAR THE VILLAGE OF LAVA HOT SPRINGS, DEFINING THE DUTIES OF SAID DEPARTMENT IN RELATION THERETO, PROVIDING FOR THE ISSUANCE AND SALE OF BONDS FOR IMPROVING AND MAINTAINING CERTAIN HOT SPRINGS SITUATED ON SAID LANDS, AND MAKING APPROPRIATION THEREFOR, AND REPEALING SECTIONS 11 AND 12 OF CHAPTER 132 OF THE COMPILED LAWS, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. All right to the operation, management and control, and to the maintenance and improvement of the lands and property belonging to the State of Idaho, situated within and near the village of Lava Hot Springs, in Bannock County, State of Idaho, hereinafter more particularly described is hereby vested in the Department of Public Welfare.

SEC. 2. The said Department is hereby authorized, and it is made its duty, to take charge of all of the lands and property of the State of Idaho situated within and near the Village of Lava Hot Springs, and hereinafter more fully described, and to have a general supervision and control of all buildings and property appertaining thereto, and to have general charge and control of the construction of all buildings to be built thereon, and of the operation and the maintenance thereof. The said Department shall have power to let contracts for any buildings to be constructed upon said lands, and the entire and complete supervision of such construction, and the operation, maintenance and repair of any and all buildings now existing, or hereafter to be constructed upon said land.

SEC. 3. The property hereinbefore referred to is de-



scribed as follows: The Northwest Quarter of the Southwest Quarter, and Lots Nine (9) and Ten (10) in Section Twenty-two (22), and Lots Seven (7) and Eight (8) in Section Twenty-one (21) in Township Nine (9) South, Range Thirty-eight (38) East of the Boise Meridian, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the hot springs and hot waters arising and flowing thereon, in Bannock County, State of Idaho.

SEC. 4. For the purpose of making the improvements and of erecting and equipping suitable buildings and bathing facilities upon the said lands the sum of \$52,000 is hereby appropriated out of any funds in the state treasury not otherwise appropriated to be expended under the supervision of the Department of Public Welfare.

SEC. 5. Out of the moneys received from leases, rents, baths and other current revenues there is hereby appropriated for the biennium commencing January 1, 1919, the sum of \$12,000 to be expended under the supervision of the Department of Public Welfare for the maintenance and operation of the bathhouses and bathing facilities on said lands: *Provided*, That vouchers may be presented and honored for a rotary or general expense fund for the use of said Department in such sum as may be deemed advisable and expedient by the state board of examiners not exceeding \$1,000.

SEC. 6. The said Department shall have power to employ a superintendent of the said hot springs and bathing facilities, and to employ such other help therefor as may be necessary, and to prescribe the duties of the said superintendent and all other employees. It shall have power to remove the said superintendent or other employees at its pleasure, and shall make and ordain such rules and regulations for the conduct and administration of the said hot springs and bathing facilities as it shall deem necessary and proper.

SEC. 7. For the purpose of reimbursing the general fund of the state for the moneys hereinbefore appropriated a loan of \$52,000 is hereby authorized to be negotiated upon the faith and credit of the State of Idaho at any time on and after January 1, 1920.

SEC. 8. The Treasurer of the State of Idaho, upon demand of the said Secretary of State, is hereby authorized, empowered and directed to issue Fifty-two bonds of the State of Idaho to be known as the "Lava Hot Springs Improvement Bonds", in the sum of One Thousand Dollars

(\$1,000) each, payable in twenty years from the date of their issuance, to bear interest at the rate of not to exceed five per cent per annum, payable semi-annually on the first days of January and July of each year at a bank in the City of New York to be selected by the said Treasurer. The said bonds, however, or any part thereof, shall be redeemable at the option of the State of Idaho at any time after the expiration of ten years from the date of their issuance.

SEC. 9. The said Treasurer is hereby authorized, empowered and directed to have printed, or lithographed, suitable bonds in proper form, with coupons attached, for the purpose of this act. All such bonds shall be numbered consecutively, shall be signed by the Secretary of State with his own proper name, affixing his official character, and shall be authenticated by the great seal of the State of Idaho, and shall also be countersigned by the Governor of the State in his own proper name, affixing his official character, and shall then be delivered by the Secretary of State to the State Auditor who shall make and keep a register of such bonds, showing the number and amount of each bond. The said Auditor shall then deliver the said bonds to the State Treasurer and charge the State Treasurer on the books of the Auditor's office with the full amount of each bond.

SEC. 10. At the time of issuing such bonds under the provisions of this act the State Treasurer shall sign them with his own proper name, affixing his official character, and each of the interest coupons attached thereto shall have the lithographed or printed facsimile signature of the State Treasurer, which signatures shall bind the State. The coupons for the payment of interest shall be attached to such bonds in such manner that they may be taken off without injuring or mutilating the bond, and shall be consecutively numbered from one to forty, each bearing the corresponding number of the bond to which it is attached. The Treasurer shall keep a record of all bonds issued by him, showing the date of issuance, and shall deliver said bonds, with the coupons attached as aforesaid, to the purchaser or purchasers upon receipt of the money therefor; and the money received by the sale of said bonds shall be by said treasurer placed in the general fund to reimburse it for the expenditures made therefrom under the appropriation hereinbefore authorized and any surplus shall be placed in the "Lava Hot Springs Fund," for erecting, equipping and maintaining suitable buildings for bathing purposes upon the lands aforesaid. None of said bonds shall be sold for less than



the par or face value thereof. The expenses of printing, or lithographing, and selling the said bonds shall be paid out of the funds arising out of such sale.

SEC. 11. For the purpose of paying the principal of said bonds, and the interest thereon as it shall accrue, all of the net revenues arising from the operation of the bathhouses and bathing facilities on the lands aforesaid shall be by the Treasurer of the State of Idaho set apart as a separate and distinct fund, to be known as the "Lava Hot Springs Sinking Fund," from which fund the interest on said bonds shall be paid semi-annually from time to time as it shall become due, and any balance on hand shall be held for the payment of the principal of said bonds as they mature.

SEC. 12. At any time after ten years from the issuance of said bonds whenever there shall be Five Thousand (\$5,000.00) Dollars in such sinking fund, after the payment of interest, the Treasurer of the State shall make a call by publication for sixty days in some daily newspaper in this State, notifying all parties interested, that certain of said "Lava Hot Springs Improvement Bonds," provided by this act, giving their numbers, will, at a certain date, be paid in the office of said Treasurer, and the said bonds so called shall cease to bear interest from and after the date in said call specified.

SEC. 13. At any time when money to the amount of One Thousand (\$1,000.00) Dollars, or more, is in said sinking fund, after the payment of interest, it is hereby made the duty of the said Treasurer to invest such money in United States certificates of indebtedness or in warrants of the State of Idaho or any of the counties thereof, and to hold such certificates or warrants until they are redeemed, as a part of said sinking fund; and whenever said certificates or warrants so held by the Treasurer are paid, the amount of the interest accrued thereon shall thereupon be placed to the credit of, and become a part of the said sinking fund, to be re-invested in the same manner.

SEC. 14. For the prompt payment of the interest that may accrue on said bonds, there is hereby appropriated for each year out of any moneys in the State Treasury, not otherwise appropriated, an amount equal to the amount of said interest on said bonds after the same may become due, and for the payment of such interest when due, the treasurer of the state shall reserve any and sufficient of the funds in his hands in preference to all other claims whatsoever, except the interest on bonds of the state heretofore issued pursuant to law.

SEC. 15. Sections 11 and 12 of Chapter 132 of the Compiled Laws are hereby repealed.

SEC. 16. Whereas an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 31.

(S. B. No. 88.)

### AN ACT

TO PROVIDE FOR SURVEYS AUTHORIZED BY CONGRESS OF THE UNITED STATES IN THE STATE OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Any person employed in the execution of any survey authorized by the Congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any work which may be necessary to carry out the objects of then existing laws relative to surveys, and may establish permanent station marks, and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

SEC. 2. If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either of them may petition the district court in the county in which the land is situated, which court shall appoint a time for a hearing as soon as may be, and order at least twenty (20) days' notice to be given to all parties interested, and, with or without a view of the premises, as the court may determine, hear the parties and their witnesses and assess damages.

SEC. 3. The person so entering upon land may tender to the injured party damages therefor, and if, in case of petition or complaint to the court, the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise the prevailing party shall recover costs.

SEC. 4. The costs to be allowed in all such cases shall be the same as allowed according to the rules of the court, and provisions of law relating thereto.

SEC. 5. If any person shall wilfully deface, injure or re-



move any signal, monument, building or other property of the U. S. coast and geodetic survey, constructed or used under or by virtue of the act of Congress aforesaid, he shall forfeit a sum not exceeding fifty (50) dollars for each offense, and shall be liable for damages sustained by the United States in consequence of such defacing, injury or removal, to be recovered in a civil action in any court of competent jurisdiction.

SEC. 6. This act shall take effect from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 32.

(H. B. No. 94.)

### AN ACT

AMENDING SECTION 851 OF THE COMPILED LAWS INCREASING THE SALARY OF THE ASSISTANT LIBRARIAN OF THE STATE HISTORICAL SOCIETY AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 851 of the Compiled Laws is amended to read as follows:

“Section 851. *Salary and expenses of librarian.* For such services the librarian shall be paid a salary of \$1200 per annum, in monthly payments, and shall receive such actual and necessary expenses incurred while performing the duties prescribed in this chapter; Provided, The aggregate sum shall not exceed \$1100 in two years: And, Provided further, That the librarian may appoint an assistant whose salary shall be \$1200 per annum, payable in monthly installments from and after January 1, 1919.”

SEC. 2. An emergency existing this act shall take effect on and after its passage and approval by the governor.

Approved March 11, 1919.

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## CHAPTER 33.

(S. B. No. 129.)

### AN ACT

PROVIDING FOR REBATE AND REPAYMENT BY THE STATE OF IDAHO OF SUCH AMOUNTS OF INTEREST AS HAVE

BEEN, SINCE JANUARY 1, 1917, OR HEREAFTER SHALL BE, PAID IN ADVANCE TO THE STATE ON CERTIFICATES OR CONTRACTS FOR THE SALE OF STATE LANDS AND REMAIN UNEARNED BY REASON OF FULL PAYMENTS OF PURCHASE PRICE, PRIOR TO THE DATE TO WHICH INTEREST HAS BEEN PAID: AND PROVIDING FURTHER FOR THE REPAYMENT OF ALL SUCH AMOUNTS OF INTEREST OR PRINCIPAL AS HAVE BEEN, SINCE JANUARY 1, 1917, OR HEREAFTER SHALL BE, PAID TO THE STATE ON SUCH CONTRACTS OR CERTIFICATES OF SALE BY ERROR OR MISTAKE; MAKING APPROPRIATION FOR ALL SUCH REPAYMENTS; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. In all cases where, since January 1, 1917, interest on deferred payments of principal due the State of Idaho on contracts or certificates of sale of state lands has been, or shall hereafter be, paid in advance and during the advance period for which such interest is paid, the principal of said contract or certificate of sale is paid in full, thereby leaving in the hands of the State of Idaho a balance of unearned interest, such balance of unearned interest shall be repaid to the certificate or contract holder who makes final payment of principal thereon.

SEC. 2. In all cases of payments of principal or of interest to the state on such certificates of sale, where more than the amount due has been, since January 1, 1917, or hereafter shall be, paid by error or mistake, the amount of such overpayment shall be repaid on demand, to the person holding the certificate, as shown of record at the time the demand for repayment is made.

SEC. 3. The officer receiving such final payment of principal for the state in cases of unearned and rebatable interest, or the officer receiving money paid by error or mistake on the principal or interest on such certificate of sale, is hereby authorized, directed and empowered to execute and deliver, over his signature, to the person entitled thereto, a certificate stating, in cases of rebate of unearned interest, that the holder or his assignee, is entitled to a rebate of unearned interest under the terms of this Act, giving the amount thereof, the date to which the interest on said certificate of sale had been paid, and the date when the principal on said certificate of sale was paid in full; and in cases of payment of principal or interest made by error or mistake, stating the date of the payment and the nature of the



error or mistake, and the amount of rebate due, which certificate or certificates of rebate, together with a claim or voucher duly verified, in the usual form required by law, shall be presented to the State Board of Examiners for their allowance or rejection, and upon allowance of the State Board of Examiners, the said claim shall be paid by warrant drawn by the State Auditor on the Treasurer of the State of Idaho, as in the case of other claims against the State.

SEC. 4. The sum of Five Thousand Dollars per annum, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the State of Idaho for the payment of such claims, which said appropriation is intended as a continuing appropriation of such amount for each year hereafter.

SEC. 5. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 34.

(S. B. No. 136.)

### AN ACT

REGULATING THE PRACTICE OF OPTOMETRY AND THE LICENSING OF OPTOMETRISTS: PRESCRIBING THE DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT IN RELATION THERETO AND PROVIDING A PENALTY FOR PRACTICING OPTOMETRY IN VIOLATION OF THE PROVISIONS HEREOF: REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH: AND REPEALING SECTIONS 1372, 1373, 1374, 1374a, 1374b, 1374c, 1374d, 1374e, 1375, 1375a, 1375b, 1375c, 1375d, 1375e, 1375f, 1375g, 1375h, 1375i, 1375j, 1375k, 1375-l, 1376, 1376a, 1377, 1377a, 1377b, 1377c, 1377d, 1378, 1379, 1380, 1381, 1382, 1383, 1384, BEING THE WHOLE OF CHAPTER 86 OF TITLE 1, OF THE COMPILED LAWS OF IDAHO: AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Practice of optometry defined. Any person shall be deemed to be practicing optometry within the meaning of this act, who shall in any manner, except as provided in Section 15 of this Act, 1st., display any sign, circular, advertisement or device, purporting or offering to in any manner examine eyes, test eyes, fit glasses, adjust

frames or setting himself forth as an optometrist, optician, optical specialist, eyesight specialist or refractionist, with intent to induce people to patronize himself or any other person, 2nd., who shall make in any manner a test or examination of the eye or eyes of another to ascertain the refractive or muscular condition thereof; 3rd. who shall in any manner adapt lenses to the human eye for any purpose, either directly or indirectly.

SECTION 2. License A Prerequisite to Practice. It is unlawful for any person to practice optometry unless he shall obtain a license so to do as provided in this Act.

SECTION 3. Powers and duties of Department of Law Enforcement in relation to practice of optometry. The department of Law Enforcement (hereinafter referred to as the department) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice optometry; to pass upon the qualifications of applicants for reciprocal licenses.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice optometry.

3. To prescribe rules and regulations defining, for the optometrists what shall constitute a school, college or university, or department of an university, or other institution, reputable and in good standing and to determine the reputation and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke licenses, of persons practicing optometry and to revoke such licenses.

6. To formulate rules and regulations when required in this act to be administered.

All of said rules and regulations shall be in conformity with the provisions of this act.

Except as herein provided, none of the functions and duties of the department enumerated in this act shall be exercised by the department except upon the action and report in writing of persons designated from time to time by the Commissioner of Law Enforcement to take such ac-



tion, and to make such report as follows; three persons, each of whom shall be a practicing optometrist, duly licensed in this state. No person shall be eligible for such duties who is in any way connected with, or directly or indirectly interested in, any optometrist college, or the optometry department of any institution of learning. Such persons shall be allowed their actual expenses incurred in the performance of their duties and a per diem allowance each of \$10.00 for each day of actual service.

The action or report in writing of a majority of the persons designated for the optometrists shall be sufficient authority upon which the Commissioner of Law Enforcement may act.

In making the designation of persons to act for the optometrists, the commissioner shall give due consideration to recommendations by members of the optometrist profession and by organizations therein.

SECTION 4. Register. The department shall keep on file a register of all applicants for licenses, rejected applicants and licenses.

SECTION 5. Examinations: Application. Any person who shall desire to begin the practice of optometry in the State of Idaho shall file an application in his own handwriting on forms furnished by the department for an examination, which application shall state among other things, his correct name, age, place of residence, color and nationality, the name and location of the school or schools attended by the applicant, the date of such attendance, and whether applicant is graduated from such school, and the place and with whom he has served as apprentice and the exact length of time and nature of such apprenticeship. Such application must be signed by applicant under oath.

SECTION 6. Same: Qualifications: Every applicant for a license to practice optometry shall be a citizen of the United States of America, a person of good moral character, more than twenty-one years of age, having a preliminary education equal to two years in an accredited high school, and shall either be a graduate of a reputable school of optometry, or have studied three years in the office of a licensed optometrist.

SECTION 7. Same: Conduct of. Except as herein otherwise provided, each applicant shall be examined to determine his knowledge of the subjects essential to the practice of optometry. Examinations shall be written and practical, and shall include the following subjects: practi-

cal and theoretical optometry, physical optics, ocular anatomy, physiology and pathology, transposition, neutralization, trial case, practical use of instruments and findings, ophthalmoscope, retinoscope, ophthalmometer. The applicant shall be examined in the art and skill of frame bending and adjusting in such manner and by such methods as shall reveal his ability to practice. Additional subjects may be prescribed from time to time by the department to meet new conditions. No applicant shall be granted a license who shall fail to attain a grade of 75 per cent in such examinations.

SECTION 8. Licenses. If the applicant shall pass a satisfactory examination and shall show that he is a person of good moral character and that he possesses the qualifications required by this act to entitle him to registration as an optometrist, then, upon request, such applicant shall be entitled to a license authorizing the applicant to practice optometry in the State of Idaho. All licenses to practice optometry shall be issued in the name of the department with the seal thereof attached and shall recite in appropriate terms this act; and all licenses so issued shall expire on the 2nd day of January of the succeeding year; all persons who practice optometry within the meaning of this act are entitled to renew and shall renew their licenses on or before the 2nd day of January each calendar year; every person to whom a license is granted shall have such license recorded as in the next section of this act provided, and shall display the same, or a copy of the same certified to by the county recorder of the county in which he practices or offers to practice, in a conspicuous part of his office wherein the practice of optometry is conducted. It shall be unlawful for any person to practice optometry in the State of Idaho before complying with these requirements.

SECTION 9. Recording License. After receiving a license the person receiving the same shall file for record such license with the recorder of each and every county in which he desires to practice optometry and shall have the same recorded in a book provided therefor. The county recorder of each county shall charge for recording such license a fee of fifty cents. Renewal licenses need not be recorded.

SECTION 10. Applicants Licensed Elsewhere. Any person who is licensed to practice optometry under the laws of another state, whose minimum requirements are not less than prescribed in this state, who appears in person before the department and shows, (1) that his foreign license is



then in force and that he has been a resident of said foreign state for one year prior to the making of an application in this state, and (2) a favorable recommendation from the Board of Examiners in Optometry of said foreign state, and (3) that the foreign state grants like privileges to licensed optometrists of Idaho, may, at the discretion of the department, be granted a license without examination upon payment of the fee of \$25.00.

SECTION 11. Fees. Each applicant shall remit a fee of \$25.00 with each application. Upon application for re-examination after failure in a former examination, each applicant shall remit a fee of \$10.00. The request of each applicant for each renewal license shall be accompanied by a fee of \$1.00. The payment of fees herein provided is a condition precedent to the performance of any act by the department.

SECTION 12. Revocation of License. Every license issued under the provisions of this act shall be subject to suspension or revocation upon any of the following grounds: (a) Fraud or deception in procuring license; (b) Practicing optometry under a false or assumed name or as a representative or agent of any person, firm or corporation with which the accused has no connection; (c) Conviction of a crime involving moral turpitude; (d) Gross incompetency; (e) Habitual intemperance in the use of ardent spirits, narcotics or stimulants; (f) immoral, unprofessional or dishonorable conduct; (g) While the licensee is suffering from contagious or infectious disease; (h) Failure to record license with county recorder for a period of ninety days; (i) Failure to pay annual fee and to secure renewal license, whereupon after twenty days notice by registered mail the license of such delinquent may be revoked; but the payment of such fee at or before the time of hearing, with such additional sum, not exceeding five dollars (\$5) as may be fixed by the department, shall excuse the default; (j) For the violation of any of the provisions of this act.

Unprofessional conduct, as used in this chapter, means employment of what are known as "Cappers" or "Steerers" or employing, directly or indirectly, any unlicensed optometrist to perform any work specified in this act or to permit another to use his license, or the advertising of optical business or treatment in which untruthful statements are made.

In prescribing procedure for the determination of the truth or falsity of any charge against a licensee, having

for its purpose the revocation of his license or certificate of registration, the accused shall in every case have reasonable notice of, and opportunity to appear and be heard at, any hearing thereof; and the department, upon written complaint by any licensed optometrist shall use reasonable means to establish the truth or falsity of such charge and for that purpose shall make such expenditures as are necessary.

SECTION 13. Removal to another State. Any person of good moral character who is a legally registered and practicing optometrist of this State, and who is known to the department as such, and who desires to practice in another state, shall upon application to said department, and the payment of a fee of five dollars (\$5.00) be entitled to receive a certificate, which certificate shall set out that the holder thereof is a person who has been duly registered and licensed to practice optometry in the State of Idaho, and that he is a person of good moral character and professional attainments.

SECTION 14. The department shall each year print a pamphlet containing the names and addresses of all licensed optometrists of the State of Idaho and a copy of this act and shall distribute a copy of such pamphlet to each licensed optometrist in this State.

SECTION 15. Application of Act. Nothing in this Chapter shall be construed to apply to, (1) Merchants who sell spectacles or eye-glasses as articles or merchandise; Provided, (a) They do so in the ordinary course of trade from permanently located and established places of business; (b) They do not traffic or attempt to traffic upon assumed skill in testing the eye and adapting lenses and frames thereto; (c) They do not use in the testing of the eye therefor lenses other than the lenses actually sold, and (d) They do not give or offer spectacles and eye-glasses as premiums. (2) Opticians who sell spectacles or eye glasses on prescription from a duly licensed optometrist or oculist.

SECTION 16. All licenses now in effect shall be continued in force and effect under the provisions of this act and without renewal until January 2nd., 1920.

SECTION 17. Violation of Chapter a Misdemeanor. Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor.

SECTION 18. It shall be the duty of the respective prosecuting attorneys to prosecute all violations of this Chapter.



SECTION 19. That Sections 1372, 1373, 1374, 1374a, 1374b, 1374c, 1374d, 1374e, 1375, 1375a, 1375b, 1375c, 1375d, 1375e, 1375f, 1375g, 1375h, 1375i, 1375j, 1375k, 1375-l, 1376, 1376a, 1377, 1377a, 1377b, 1377c, 1377d, 1378, 1379, 1380, 1381, 1382, 1383, 1384, being the whole of Chapter 86 of Title 1, of the Compiled Laws of Idaho, be and the same are hereby repealed.

SECTION 20. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 21. An emergency existing therefor, this act shall be in force and effect from and after March 31st, 1919.

Approved March 11, 1919.

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## CHAPTER 35.

(S. B. No. 137.)

### AN ACT

REGULATING THE LIVE STOCK INDUSTRY OF THE STATE; PROVIDING FOR THE CONTROL AND ERADICATION OF CONTAGIOUS, INFECTIOUS AND COMMUNICABLE DISEASES OF LIVE STOCK; VESTING THE ADMINISTRATION HEREOF IN THE DEPARTMENT OF AGRICULTURE THROUGH THE BUREAU OF ANIMAL INDUSTRY AND PENDING THEIR CREATION IN THE LIVESTOCK SANITARY BOARD AND THE STATE VETERINARIAN; PROVIDING FOR CO-OPERATION IN ADMINISTRATION WITH THE FEDERAL GOVERNMENT; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF; REPEALING SECTIONS 1160 TO 1162 INCLUSIVE, 1165 TO 1196 INCLUSIVE, 1205 TO 1216 INCLUSIVE AND 1216g OF THE COMPILED LAWS, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The powers in this act conferred upon the bureau of animal industry (and, unless otherwise apparent from the context, the word "bureau" hereinafter used refers to the bureau of animal industry) shall be exercised by the commissioner of agriculture or the director of animal industry and such officers, employees and deputies as the director, with the approval of the commissioner, may authorize.

SEC. 2. The director of animal industry in the department of agriculture shall be a competent, qualified graduate

in good standing of an accredited veterinary college recognized by the United States bureau of animal industry and a licensed veterinarian of the state of Idaho.

SEC. 2a. The bureau shall be authorized and empowered to make, promulgate and enforce general and reasonable rules and regulations not inconsistent with law for the enforcement of the provisions of this act. A violation of such rules and regulations shall constitute a misdemeanor.

SEC. 3. When it shall be deemed necessary by reason of the prevalence of disease among any of the animals of this state, the bureau may employ deputy state veterinarians and live stock inspectors to assist in its control and eradication.

Veterinarians so employed shall be competent, qualified graduates in good standing of a veterinary college recognized by the United States bureau of animal industry. Each veterinarian shall receive not to exceed \$8 per diem and actual and necessary traveling expenses incurred in the performance of his duties.

Live stock inspectors shall be competent and qualified to inspect and dip sheep for scabies, to supervise the cleaning and disinfecting of premises where any contagious, infectious or communicable disease has existed, and to perform such other duties as may be imposed by the bureau. They shall receive not to exceed \$5 per diem and actual and necessary traveling expenses incurred in the performance of their duties.

SEC. 4. Whenever any municipality in the state shall have in its employ any veterinary sanitary officer engaged in the inspection of meat, milk, or animals, and the qualifications of such officer are equal to those in this act provided for state veterinarians, then the bureau may appoint such city veterinary sanitary officer a state veterinarian, but such officer shall not be entitled to claim reimbursement from the state for any services rendered or expense incurred; and his appointment may at any time be revoked by the bureau.

SEC. 5. The bureau shall have the authority to appoint at different points in this state, qualified veterinarians to examine any of the animals enumerated in this act that are to be moved to states where the sanitary laws require such examination, provided the owner requests such inspection. It shall also be the duty of the bureau to specify and regulate the fees charged for such examination and to remove such veterinarian whenever it may see fit; *Provided, That*



no veterinarian appointed under this section shall make any charge against the state for such service as he may render. No certificate shall be issued or no fee charged by such veterinarian unless he has himself actually examined the animals in question; failure to do so shall be considered a misdemeanor and subject to a fine of not less than \$25 or more than \$100.

SEC. 6. The bureau shall have authority to make and promulgate rules and regulations for the movement of live stock into and out of this state as may from time to time be deemed necessary; and to compensate the state for the expense of carrying out such regulations the bureau may collect a reasonable fee to be by it fixed not exceeding the actual cost to the state. No certificate shall be issued or no fee charged by a state veterinarian or live stock inspector unless he has himself actually examined the animals in question. Failure to do so shall be considered a misdemeanor and subject to a fine not to exceed the sum of \$100.

SEC. 7. The governor is hereby authorized to accept upon behalf of the state, rules and regulations prepared by the secretary of agriculture and under and in pursuance of section 3 of the act of Congress, May 29, 1884, entitled: "An act for the establishment of the bureau of animal industry to prevent the exportation of diseased cattle and provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals;" and the state shall cooperate with the authorities of the United States bureau of animal industry in the enforcement of the provisions of said act, and of the act of March 3, 1905, entitled: "An act to enable the secretary of agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom for other purposes;"

SEC. 8. When the governor has requested through the United States secretary of agriculture and accepted the cooperation of the United States bureau of animal industry, for the purpose of controlling or eradicating any contagious, infectious or communicable disease that may exist among any of the animals of this state, and when the said United States bureau, through its duly authorized officers, agents or employees, shall be thus engaged, each of such officers, agents or employees shall possess the full power and authority of a state veterinarian under and by virtue of this act, and the rules and regulations of the state bureau, but shall not be entitled to claim reimbursement from the state for services he may perform unless a mutual agree-

ment exists for co-operative employment and joint payment.

SEC. 9. In order to prevent the introduction or dissemination of disease among the animals of this state, the bureau shall be authorized and directed to quarantine any portion of this state and it shall be unlawful to move animals from or into such quarantined area except in accordance with the rules and regulations of the bureau; and state veterinarians, live stock inspectors and the inspectors or agents of the bureau of animal industry of the United States department of agriculture under the joint supervision of the state bureau and chief of the United States bureau of animal industry shall be authorized and empowered to inspect, quarantine, treat, test, and condemn, appraise, slaughter and dispose of any animals affected or infected with any contagious, infectious or communicable disease, or that have been exposed to any such disease, and quarantine, clean and disinfect all premises where such animals have been kept, and for this purpose the said inspectors, or agents, state and federal, are hereby authorized and empowered to enter any field, feed yard, barn, stable, railroad car, stock yards, or other premises in this state where animals are kept. Said inspectors or agents, state and federal, shall be empowered to call on sheriffs, constables and peace officers to assist them in the discharge of their duties and in carrying out the provisions of this act and of said acts of Congress approved May 29, 1884, and the act of March 3, 1905. Such sheriffs, constables, and other peace officers shall give such assistance as may be requested by said inspectors in carrying out the provisions of this act and said acts of Congress.

SEC. 10. It is hereby made the duty of all persons practicing veterinary medicine in this state, or owners or persons in charge of live stock, to report to the bureau all cases of glanders, farcy, hog cholera, tuberculosis, anthrax, rabies, dourine or scabies that they may find existing among animals, within 48 hours from the date that any such case shall come to their knowledge.

SEC. 11. It is hereby made the duty of all persons practicing veterinary medicine in this state to report to the bureau immediately, by telephone or telegraph, any and all cases of foot and mouth disease that they may find existing among animals of the state. Every owner of live stock and every breeder or dealer in live stock and everyone bringing live stock into this state shall, on observing the appearance of, or symptoms of foot and mouth disease among the live stock owned by him, or under his care, give immediate notice by



telephone or telegraph to the bureau of the facts discovered by him as aforesaid, and any owner of live stock who shall fail to make report as herein provided shall forfeit all claim for indemnity for animals slaughtered on account of foot and mouth disease in accordance with the provisions of this act and acts of Congress, and rules and regulations made and promulgated by the bureau. In the event of an outbreak of foot and mouth disease among any of the animals of this state the state board of examiners is authorized and empowered, in case of extreme emergency and upon the recommendation of the bureau, to issue or cause to be issued certificates of indebtedness bearing interest at the rate of 4 per cent per annum, for the purpose of reimbursing the owner of any affected or exposed animal or animals which have been appraised and slaughtered by direction of the bureau, and for property destroyed and for labor employed in digging trenches and for disinfecting premises where such infected or exposed animal or animals have been kept. *Provided*, That in no case shall the state pay over 50 per cent of the appraised value of such animals or property, or for such labor and disinfecting material, and on condition that the United States department of agriculture pay at least 50 per cent of such expense.

SEC. 12. It shall be unlawful for any person, firm or corporation, agent, or employee thereof, knowingly to sell, offer to sell, or in any manner to part with to another, any animal affected or infected with any contagious, infectious or communicable disease, except for immediate slaughter, and in accordance with the meat inspection regulations of the United States department of agriculture, or dispose of the meat or milk of any animal that may be affected or infected with such contagious, infectious or communicable disease for use as food or for other purposes, except in such manner as shall be provided by the rules and regulations of the bureau, or to dispose of to another in any manner an animal or animals that may be in quarantine without notifying the purchaser of the existence of such quarantine, or until such time as the quarantine shall have been raised by the proper officer.

SEC. 13. It shall be unlawful for any person, firm or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this state any animal affected or infected with any contagious, infectious or communicable disease.

SEC. 14. The bureau or the inspectors of the United States bureau of animal industry, shall be authorized and

empowered to test (in the manner prescribed) with tuberculin any bovine animal kept or herded within this state, subject to the rules and regulations of the bureau, and when such bovine animal is found by the officer making the test, to give what the bureau shall have prescribed by its rules and regulations to be a clearly defined reaction to such tests, the said animal shall be considered to be affected with bovine tuberculosis. The reacting animal shall be slaughtered and the owner indemnified in accordance with cooperative agreement between the bureau and the United States bureau of animal industry, and in accordance with the rules and regulations of the bureau, and the meat inspection regulations of the United States department of agriculture.

SEC. 15. It shall be unlawful for any person, firm or corporation, or its agents or employees to bring or cause to be brought in any manner whatsoever into this state any cattle for dairy or breeding purposes, except strictly range cattle, unless they are accompanied by a certificate rendered in such form and manner as may be provided in the rules and regulations made and promulgated by the bureau, showing them to have been tested with tuberculin and found free from symptoms of tuberculosis by an inspector of the United States bureau of animal industry or other approved veterinarian, within 60 days prior to arrival in this state, and sworn statement to the effect that they have been isolated from reactors during the interim: *Provided, however,* That in case of emergency, cattle for dairy or breeding purposes, except strictly range cattle, may be brought into this state without having first been tested by an inspector of the United States bureau of animal industry or other approved veterinarian, by first making application to and obtaining from the bureau a permit in such form and manner as may be provided in the rules and regulations of the bureau: *Provided further,* That said cattle shall be submitted to the tuberculin test, at the owner's expense, within 10 days after arrival in this state and under the rules and regulations of the Bureau.

SEC. 16. It shall be unlawful for any person, firm or corporation or its agents or employees to bring or cause to be brought in any manner whatsoever into this state strictly range cattle unless they are accompanied by a health certificate showing the said cattle to be free from contagious, infectious or communicable diseases or exposure thereto, the certificate to be rendered in such form and manner as may be provided in the rules and regulations of the bureau.



SEC. 17. It shall be unlawful for any person, except the representatives of the bureau, or the inspectors of the United States bureau of animal industry, to inject any tuberculin into any bovine animal in this state without first having applied to and received written or telegraphic permission to do so from the bureau, in accordance with the rules and regulations of the bureau. The bureau shall be authorized and empowered to make and promulgate rules and regulations for the appraising of animals which are deemed to be affected with tuberculosis as determined through a tuberculin test, and to indemnify the owners, but not to exceed 33 and 1-3 per cent of the appraised value, less the salvage, when it becomes necessary to destroy such animals in order to control or eradicate tuberculosis and to protect the public health. The indemnity is to be made jointly with the United States bureau of animal industry under the Act of Congress approved October 15, 1918, and in accordance with provisions of the bureau of animal industry order No. 260 or any future amendments or modifications thereof.

SEC. 18. The bureau is hereby authorized and directed to quarantine any portion of this state when the fact shall have been determined that sheep therein are affected or infected with scabies or any other contagious, infectious or communicable disease, and the bureau is directed to give written or printed notice of the establishment of any such quarantine to any railroad or other transportation company, doing business in or through this state. Such notice shall be in writing and addressed to such railroad or transportation company, and shall be published in a newspaper having a general circulation in the section where said quarantine is established, and for such length of time as by the bureau may be deemed necessary; and proof of the mailing of such written notice and of the newspaper publication thereof, shall be deemed conclusive evidence of notice of the establishment of such quarantine.

SEC. 19. It shall be unlawful for any railroad company or other transportation company to receive for transportation or transport from the quarantined area of this state into or through an unquarantined area of this state, or receive for transportation or transport within the quarantined area of this state any sheep, or as a connecting carrier knowingly receive without the quarantined area, sheep from the quarantined area, and transport the same within the state, except as hereinafter provided; nor shall any person, company or corporation deliver for such transportation to

any railroad company or other transportation company, any sheep from the quarantined area, except as hereinafter provided; nor shall any person, company or corporation drive on foot or cause to be driven on foot, or transport in private conveyances or otherwise move within the quarantined area any sheep except as hereinafter provided; and the bureau shall make and promulgate rules and regulations which shall permit and govern the inspection, dipping, treatment, certification, handling and method and manner of delivery and shipment or other movement of sheep from a quarantined area of this state, or the shipment or other movement of sheep within a quarantined area of this state. The bureau shall file notice of such rules and regulations in the manner as provided in Section 18 of this act for notice of establishment of quarantine.

SEC. 20. It shall be unlawful to move sheep from a quarantined area of the state in any manner whatsoever, into an unquarantined area of the state, or for connecting carriers to receive sheep of the quarantined area at a point outside of the quarantined area and transport the same within the state, except in accordance with the rules and regulations of the bureau. It shall be unlawful to move any sheep within a quarantined area of the state except in accordance with the rules and regulations of the bureau.

SEC. 21. The representatives of the bureau, or any inspector or agent of the bureau of animal industry of the United States department of agriculture shall have authority to quarantine temporarily, where found, or in any convenient place nearby, any animals affected, or infected with or exposed to the contagion or infection of any contagious, infectious or communicable disease. The establishment of any such temporary quarantine shall be immediately reported to the bureau, and the said bureau is authorized and empowered to prescribe such rules and regulations as may be deemed necessary for the movement within the state and the handling, method of treatment and disposition of such animals so temporarily quarantined. Written notice of such quarantine shall be given to the owner or custodian of the quarantined animals, and it shall be unlawful to move, treat, dip or dispose of such animals, except in accordance with said rules and regulations of the bureau.

SEC. 22. The representatives of the bureau, or any inspector or agent of the United States bureau of animal industry shall have authority to enter upon any grounds or premises where sheep are kept and to inspect and dip sheep found thereon. They shall be authorized and empowered



to require owners of sheep to apply such remedies, dips and other curative agents as may by the bureau be deemed necessary in order to prevent the introduction or dissemination of disease among the sheep of this state or to effect a cure of affected or infected sheep, and in the event that any owner or custodian of such sheep shall refuse to comply with the rules and regulations of the bureau regarding the use of such remedies, dippings and curative agents within the time set by the bureau, then the bureau shall be empowered to treat or dip such sheep, and the cost thereof, together with all incidental expenses therewith, if any, which shall include the cost and expense of the care and maintenance of said sheep during the time of their custody by the bureau as herein provided, shall be borne by the owner of the sheep so treated or dipped, and shall be until paid a lien against such sheep.

SEC. 23. Whenever any sheep become affected or infected with scabies, or whenever symptoms of scabies shall have developed in any sheep, notice shall be given in writing or telegraph to the bureau, by the owner or agent in charge of such sheep. What is known as "hand dressing" shall be considered prima facie evidence of the existence of symptoms of scabies infection. The Bureau shall be authorized and empowered to make and promulgate rules and regulations, not inconsistent with law, for the especial enforcement of this section as may, by the bureau, be deemed necessary to prevent the introduction or dissemination of scabies infection among sheep of this state.

SEC. 24. When an owner or person in charge of sheep desires to bring such sheep into this state from an adjoining state or territory, he shall notify the bureau or its agent, in writing, of such intention, at least two days before entering the state, stating the time and place where such sheep shall enter: *Provided, however,* That no notice will be required when sheep are in transit through the state on railroad cars, except sheep from a known infected area shall only be admitted in accordance with the rules and regulations of the bureau.

SEC. 25. Any person, firm or corporations owning or keeping sheep known to be diseased or exposed to scabies, shall be liable in the full amount of damage occasioned to other sheep owners or holders by reason of any diseased or exposed sheep being moved or allowed to stray from their premises or range.

SEC. 26. It shall be unlawful for any person to conduct what is known as a public buck herd in this state without

first received from the bureau a permit to do so, such permit to be in accordance with the rules and regulations made and promulgated by the bureau. All persons receiving a permit to conduct such public herds shall, whenever so ordered, report to the bureau in writing, giving the number of animals in the herd, the owners thereof, and the number owned by each and where the herd is kept. It shall be the duty of the bureau to cause all such buck herds to be inspected as often as may be deemed necessary. The keeper or agent in charge of such herds shall not permit any animals to be removed from the herd and no person shall remove any animals therefrom until they have been inspected and a certificate of health issued by the bureau. When animals are so removed, the keeper or agent in charge of such herd shall require a receipt from the owner or persons removing such animals and shall give to the owners or persons removing such animals a copy of the certificate issued by the bureau, and such owner or person must on demand of any sheep owner in this state exhibit such copy of certificate. A public buck herd within the meaning of this act shall be one consisting of bucks owned by four or more persons or partners.

SEC. 27. The bureau shall be authorized and empowered to make and enforce such rules and regulations as shall be deemed necessary in order to cooperate with the United States bureau of animal industry to prevent the introduction or dissemination of hog cholera or other contagious, infectious or communicable disease among swine or other live stock of this state. Swine shall not be imported or brought into this state for any purpose except in accordance with the said rules and regulations. Swine shall not be exhibited at any fair or exhibition, except in accordance with the said rules and regulations. Hog cholera serum or virus shall not be manufactured or sold within this state except in accordance with the said rules and regulations.

SEC. 28. The representatives of the bureau or the inspectors or agents of the United States bureau of animal industry shall be authorized and empowered to enter any field, feed yard, corral, barn, shed, stable, railroad car, stockyard or other premises where swine are or have been kept, for the purpose of inspecting, treating, or disinfecting swine, or inspecting, cleaning or disinfecting such premises for the purpose of controlling or eradicating hog cholera or any other infectious, contagious or communicable disease.

SEC. 29. The representatives of the bureau or the inspectors or agents of the United States bureau of animal in-



dustry shall be authorized and empowered to place under quarantine any swine affected or infected with, or exposed to hog cholera or any other infectious, contagious, or communicable disease, also to quarantine any field, feed yard, corral, barn, shed, stable, railroad car, stockyard or any other premises that may have contained any swine affected or infected with or exposed to hog cholera or other contagious, infectious or communicable disease. All quarantine shall be enforced according to the rules and regulations of the bureau.

SEC. 30. The representatives of the bureau or the inspectors or agents of the United States bureau of animal industry shall be authorized and empowered to treat any swine affected or infected with or exposed to hog cholera or any other contagious, infectious or communicable disease with anti-hog-cholera serum or virus or to disinfect or otherwise treat such swine within this state in accordance with the rules and regulations of the bureau.

SEC. 31. Any person, firm or corporation owning or having charge of any swine which have died of hog cholera, or other contagious, infectious or communicable disease, shall within 24 hours from the death of such animal, dispose of the carcass of such animal by burning or in such other manner as may be provided in the rules and regulations of the bureau.

SEC. 32. The representatives of the bureau or the inspectors or agents of the United States bureau of animal industry shall be authorized and empowered to clean and disinfect any pen, feed yard, corral, barn, shed, stable, railroad car, stockyard, or other premises that may have contained swine affected or infected with or exposed to hog cholera, or other contagious, infectious or communicable disease. Such disinfecting shall be done at the expense of the owner and under the supervision of the bureau, with a disinfecting agent, approved by and used in accordance with the rules and regulations of the bureau.

SEC. 33. The representatives of the bureau or the inspectors or agents of the United States bureau of animal industry shall be authorized and empowered to test with mallein any horses, mules or asses kept or herded within this state, subject to the rules and regulations of the bureau, and when such horses, mules or asses are found by the officers making the test to give what the bureau shall have prescribed by its rules and regulations to be a clearly defined reaction to such tests, the said animals shall be considered to be affected with glanders and shall be imme-

diately destroyed and the carcass buried or burned under the direction of the bureau, and in accordance with the rules and regulations of the bureau. The owners may be indemnified by the bureau, but not to exceed 50 per cent of the appraised value.

SEC. 34. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than \$100, nor more than \$5000 for each offense.

SEC. 35. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional.

SEC. 36. The following sections of the Compiled Laws are hereby repealed: 1160 to 1162 inclusive, 1165 to 1196 inclusive, 1205 to 1216 inclusive and 1216g.

SEC. 37. Whereas the prevalence of disease among the live stock of the state calls for prompt action by the state in accordance with the powers herein conferred and creates an emergency within the meaning of the constitution, this act shall take effect and be in force from and after its passage and approval. The powers herein authorized to be exercised by the department of agriculture and the bureau of animal industry shall until March 31, 1919, be exercised by the live stock sanitary board and its executive officer, the live stock veterinarian.

Approved March 11, 1919.

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## CHAPTER 36.

(S. B. No. 139.)

### AN ACT

TO AMEND SECTIONS 2437a, 2437b, 2437c, 2437d, 2437f, 2437g, AND 2437h OF THE COMPILED LAWS OF IDAHO RELATING TO DISSOLUTION AND MODIFICATION OF IRRIGATION DISTRICTS AND SALE OF ITS PROPERTIES; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 2437a of the Compiled Laws is amended to read as follows:

Sec. 2437a. Whenever twenty-five (25) or a majority



of the land owners in any irrigation district heretofore organized or hereafter to be organized so desire they may petition the board of directors to call a special election for the purpose of submitting to the qualified electors of such irrigation district a proposal to vote on the modification of such district by the exclusion of land within its boundaries or a proposal to vote on the dissolution of such district, *or for the sale or transfer of its water rights, canal system and all or any other property or for dissolution and for sale or transfer*, as the case may be. Such petition shall set forth the reasons for such proposal and in case it is proposed to modify said district by the exclusion of lands therein shall set forth particularly the land to be excluded and the reasons therefor. Such petition for modification or dissolution of the district *or for such sale or transfer* either shall state that all outstanding bonds, warrants and other obligations of every nature whatsoever, *legal and enforceable*, against said district have been fully satisfied and paid or shall set forth facts showing reasonable ground for the belief that the consent of the holders of all outstanding bonds, warrants and other obligations of the district, *legal and enforceable*, (1) can be obtained, *or that the district is able to satisfy all those not consenting*.

SECTION 2. Section 2437b of the Compiled Laws is amended to read as follows:

Sec. 2437b. It shall be the duty of the said board of directors, if it approves said petition, to call an election for the purpose of submitting to the qualified electors of the district the proposal specified in said petition. *Provided* that no sale or transfer shall be made unless to a duly organized irrigation company under the laws of Idaho operating only for the benefit of its stockholders.

SECTION 3. Section 2437c of the Compiled Laws is amended to read as follows:

Sec. 2437c. Notice of such election must be given by posting notices in three (3) public places in each election precinct in said district at least four (4) weeks before the date of said election and by the publication thereof for the same length of time in some newspaper published in each county in which the district or any part thereof is located. Such notice must specify the time and place of holding such election and, in case such election involves the exclusion of land from the district, must describe the land proposed to be excluded, *and in case of sale or transfer shall set forth briefly the property and rights affected and the*

*terms and basis of participation of district land and water owners in such transfer.*

SECTION 4. Section 2437d of the Compiled Laws is amended to read as follows:

Sec. 2437d. Such election must be held in all respects as near as practicable in conformity with the provisions of law governing elections upon the organization of irrigation districts. All persons who possess the qualifications of electors under the general laws of the State and are residents of said district may vote at such election. Upon the ballots used at such election should be written or printed "For Modification, Yes" and "For Modification, No," or "For Dissolution, Yes" and "For Dissolution, No," or "*For Sale or Transfer, Yes*" and "*For Sale or Transfer, No,*" depending upon the nature of the proposal to be voted upon.

SECTION 5. Section 2437f of the Compiled Laws is amended to read as follows:

Sec. 2437f. Immediately after such election, in case the proposal has carried by a majority vote, the board of directors of the irrigation district shall file in the district court of the county in which their office is situated a petition praying in effect that the proceedings aforesaid for the modification or dissolution of the district, *or for the sale or transfer of its properties*, as the case may be, may be examined, approved and confirmed by the court. The petition shall set forth a full description of the land formerly embraced within said irrigation district which is affected by the proceedings for the modification or dissolution of such district, *or of the property and rights proposed to be sold or transferred*, as the case may be, shall set forth generally the proceedings taken with reference to the petition and the election specified in the preceding sections of this Act, and shall set forth fully every item of *legal and enforceable* indebtedness of the district with the name and residence of the holder thereof so far as known to the secretary of the district. In case any items of indebtedness are in the hands of unknown owners, they shall be so listed.

SECTION 6. Section 2437g of the Compiled Laws is amended to read as follows:

Sec. 2437g. Said proceedings shall be in the nature of a suit to quiet title with respect to so much of the land within said district as is affected by the proposal to modify or dissolve the same. *And the decree of the court approving a sale or transfer shall be full and complete authority for carrying out the same and such decree shall further set*



*forth the basis and terms of sale or transfer and the basis of participation by the owners in said district in such sale or transfer. In such proceedings the board of directors shall be the parties plaintiff and the holders of any obligations of the district, including obligations which are or might become liens against any of said lands, are parties defendant. The provisions of Section 4114, 4115 and 4116, Compiled Laws of Idaho, so far as they can be made applicable, shall govern generally the pleadings, summons, proceedings and force and effect of the decree. Provided that the petition may be in form against all persons having interest in or claim against the district, without naming them, and the summons, directed in same way, and setting forth briefly the purposes of the petition, shall be by publication in the first instance or order of the court or a judge thereof and service on all parties interested, whether unknown owners, heirs, devisees, claimants or otherwise, shall be deemed complete at the time prescribed by the order for publication; and, unless answer be made by any one interested in or making claim against said district, within twenty days after such last day of publication, default may be entered.*

SECTION 7. Section 2437h of the Compiled Laws is amended to read as follows:

Sec. 2437h. The court or judge shall set a day for the hearing of such petition and if it appears to the court from the proof adduced thereat that there are no *such* outstanding bonds, warrants or other indebtedness of such district, or in case there is any such indebtedness outstanding that the holders thereof have filed no objection to the proceedings, or have filed their consent thereto, then the court shall enter its decree confirming the said proceedings, *or may hear and determine and make decree as to any controversy.* Said decree shall describe particularly the lands involved and thereafter such lands shall be considered as unaffected by any of the matters done by such irrigation district while such lands were a part thereof: Provided, That the election authorized by the preceding sections of this Act shall have no force or effect to modify or dissolve any district, *or to permit such sale or transfer,* until confirmed by the decree of court as herein set forth.

SECTION 8. An emergency existing therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1919.

**CHAPTER 37.**

(S. B. No. 141.)

**AN ACT**

PROVIDING FOR THE COLLECTION AND PUBLICATION OF STATISTICS BY THE DEPARTMENT OF IMMIGRATION, LABOR AND STATISTICS AND COUNTY ASSESSORS, THE MANNER OF DEFRAYING EXPENSES CONNECTED THEREWITH, REPEALING SECTIONS 17 TO 21 INCLUSIVE OF ARTICLE 3 OF CHAPTER 79 OF THE COMPILED LAWS AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The collection and publication of statistics (other than vital statistics) shall be under the supervision of the department of immigration, labor and statistics, by and through co-operation with Federal agencies now or hereafter created for that purpose.

SECTION 2. Any department of the state government requiring the collection of statistics shall make request therefor to the department of immigration, labor and statistics.

SECTION 3. The several county assessors of the state shall procure from the taxpayers and residents of their respective counties such data and statistics and shall make return thereof at such time and in such form and detail as the department of immigration, labor and statistics, co-operating with Federal agency or agencies, shall require.

SECTION 4. The cost of collecting statistics by the county assessor shall be a part of the expense of his office.

SECTION 5. The department of immigration, labor and statistics shall furnish all necessary blanks for the statistical information herein required.

SECTION 6. Sections 17 to 21 inclusive of Article 3 of Chapter 79 of the Compiled Laws are hereby repealed.

SECTION 7. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1919.

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**CHAPTER 38.**

(H. B. No. 145.)

**AN ACT**

TO AMEND CHAPTER 102 OF THE COMPILED LAWS OF



IDAHO BY ADDING THERETO A SECTION TO BE KNOWN AS SECTION 1478; DEFINING WHAT SHALL BE A LEGAL NEWSPAPER FOR THE PUBLICATION OF LEGAL NOTICES AND ADVERTISEMENTS, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho.*

SECTION 1. That Chapter 102 of the compiled Laws of Idaho be amended by adding thereto a new section to be known as Section 1478.

“Section 1478. No legal notice, advertisement or publication of any kind required or provided by the laws of the State of Idaho, to be published in a newspaper, shall be published or have any force or effect, as such, unless the same be published in a newspaper printed and published in the county in which notice or advertisement is required to be printed, having a general circulation therein, and which said newspaper, if published weekly, has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of said notice, or advertisement, and, if published daily, has been so published as a daily paper in said county during a period of twelve consecutive months prior to the first publication of said notice or advertisement; Provided, That nothing in this act shall invalidate the publication of such notice or advertisement in any newspaper which has simply changed its name or changed the place of publication from one part of the county to another part thereof, without breaking the continuity of its regular issues for the required length of time, and Provided further, That this act shall not apply to counties in which no newspaper has been published for the required length of time.”

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 39.

(H. B. No. 154.)

### AN ACT

AUTHORIZING A REVOLVING OR GENERAL EXPENSE FUND UNDER THE SUPERVISION OF THE STATE BOARD OF EXAMINERS FOR ANY STATE OFFICER, DEPARTMENT, BOARD OR INSTITUTION; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. A revolving or general expense fund may be created by the state board of examiners for any state officer, department, board or institution in the manner provided in this act and not otherwise.

SEC. 2. The requisition of the head of any department, board or institution or the disbursing officer thereof requesting a revolving fund shall be acted upon by the board of examiners in the same manner as a claim against the state and, if allowed, shall be regarded as an advance for current cash items. It shall be allowed only in case an appropriation has been made by law for the specific expenditures intended to be paid out of the fund. The amount of the revolving fund shall be charged by the auditor against the officer making the requisition who may, if the board deems necessary, be required to give a bond in addition to his official bond, in such sum as the board may fix, to secure the repayment of such fund.

SEC. 3. The money advanced shall remain in the state treasury for the use of the officer making the requisition in the payment of cash items constituting claims against the state. The fund may be drawn upon by a sight draft signed by the officer and attached to an itemized voucher for the expenditure, both in such form as the state examiner shall prescribe.

SEC. 4. At stated intervals to be fixed by the board by general regulation each officer having a revolving fund shall present a complete itemized account of all expenditures therefrom for allowance or rejection. If any item thereof is disallowed, the officer shall replace the amount thereof in the revolving fund. The amount of items allowed shall be credited by the auditor to the officer or replaced in the revolving fund.

SEC. 5. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 40.

(S. B. No. 178.)

### AN ACT

TO APPROPRIATE THE SUM OF TEN THOUSAND DOLLARS



TO BUILD A STEEL BRIDGE OVER THE KOOTENAI RIVER AT LEONIA, IN BOUNDARY COUNTY, IN IDAHO. PROVIDED: THAT A LIKE AMOUNT OF MONEY BE APPROPRIATED FOR A BRIDGE AT THE ABOVE NAMED PLACE BY THE LEGISLATURE OF MONTANA, BEING ON THE INTERSTATE LINE, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That money of state funds not otherwise appropriated, be assigned to the Commissioners of Boundary County for the purpose of building a steel bridge over the Kootenai River at Leonia in Boundary County; and, the business of that section having been held up to an important extent, an emergency is declared.

SEC. 2. That the said sum of Ten Thousand Dollars (\$10,000.00) shall be available only when the State of Montana and the United States Forest Service shall each appropriate a like sum for such purpose.

SEC. 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 41.

(H. B. No. 222.)

### AN ACT

AUTHORIZING AND EMPOWERING BOARDS OF COUNTY COMMISSIONERS TO *PROVIDE* FUNDS FOR COUNTY DEMONSTRATION WORK IN AGRICULTURE AND HOME ECONOMICS; REPEALING ALL OTHER ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT: AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the Board of County Commissioners of the several counties within the State of Idaho are hereby authorized and empowered to *provide* funds for demonstration work in Agriculture and Home Economics within said counties and for the employment of extension agents in Agriculture and Home Economics in cooperation with the University of Idaho and the United States Department of Agriculture.

SEC. 2. That the salary and expenses of such extension

agents shall be fixed by the Director of the University of Idaho Extension Division acting in cooperation with the Executive Committee of the County Farm Bureau and *the Board of County Commissioners*. The Commissioners of said counties are hereby authorized and empowered to make *provision* for the payment of such salary and expense out of the general tax fund of the county or out of other available funds not otherwise appropriated.

SEC. 3. All laws or parts of laws in conflict with the provision of this Act be and the same are hereby repealed.

SEC. 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1919.

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## CHAPTER 42.

(H. B. No. 284.)

### AN ACT

PROVIDING FOR THE PAYMENT OF OFFICERS, MEMBERS AND EMPLOYES, AND FOR THE GENERAL EXPENSES, OF THE FIFTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, AND DECLARING AN EMERGENCY, WHEREBY THIS ACT SHALL GO INTO EFFECT IMMEDIATELY UPON ITS APPROVAL.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That in addition to the sum of Seventy-five Thousand Dollars heretofore appropriated, the sum of Five Thousand Dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the general fund in the state treasury not otherwise appropriated, for the purpose of paying the compensation due the officers, members and employes, and for the general expenses, of the Fifteenth Session of the Legislature of the State of Idaho; Provided, That after all expenses of said Fifteenth Session of the Legislature of the State of Idaho are paid, any and all moneys of this appropriation remaining as a surplus appropriation, shall revert to the general fund of the state treasury.

SEC. 2. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval by the governor.

Approved March 11, 1919.



**CHAPTER 43.**

(S. B. No. 58.)

**AN ACT**

TO AMEND CHAPTER 62:10 OF THE COMPILED LAWS OF THE STATE OF IDAHO RELATING TO THE ORGANIZATION AND GOVERNMENT OF HIGHWAY DISTRICTS, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Chapter 62:10 of the Compiled Laws of the State of Idaho relating to the organization and government of highway districts be and the same is hereby amended to read as follows:

Chapter 62:10. Any good road district now or hereafter created under the provisions of Chapter 61 of the Political Code may be organized as a highway district by the affirmative vote of a majority of the qualified electors thereof, *or of the proposed highway district, if additional lands are included, voting on the question at an election therefor, \* \* \* \* \* regardless of the area or assessed valuation of the territory and regardless of the regularity and validity of the proceedings for the creation and organization of the good roads district. Lands adjacent to the good roads district and not included in any other organized district may be included in the petition for the organization of the highway district if the holders of title or evidence of title to such lands join in the petition. The petition for the organization of a highway district under this section shall be signed by twenty or more holders of title or evidence of title to lands wholly within the proposed district. Upon the organization of such highway district, it shall take over all property and records and shall be liable for all obligations of the previously existing good roads district which shall thereupon and thereby be dissolved. Except as in this section otherwise provided, all the proceedings for the organization of a highway district under this section shall be the same as are or may be provided for the organization of highway districts from unorganized territory.*

SEC. 2. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1919.

**CHAPTER 44.**

(S. B. No. 152.)

**AN ACT**

CREATING A SPECIAL FUND IN THE TREASURY OF THE STATE TO BE KNOWN AS THE "AGRICULTURAL DEPARTMENT INSPECTION FUND," DIRECTING THAT ALL MONEYS RECEIVED BY THE DEPARTMENT OF AGRICULTURE FOR MAKING INSPECTIONS OF ANY KIND WHICH THE DEPARTMENT IS AUTHORIZED TO MAKE SHALL BE DEPOSITED IN AND CREDITED TO SAID FUND, PROVIDING FOR THE PAYMENT FROM SAID FUND OF COMPENSATION OF ALL INSPECTORS AND ALL EXPENSES INCURRED BY THE DEPARTMENT OF AGRICULTURE IN MAKING ANY INSPECTION; MAKING A CONTINUING APPROPRIATION OF ALL MONEYS COMING INTO SAID FUND FOR THE PURPOSES SPECIFIED IN THIS ACT, REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH, DECLARING AN EMERGENCY AND PROVIDING THAT THIS ACT SHALL BE IN FORCE AND EFFECT FROM AND AFTER THE 31ST DAY OF MARCH, 1919.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby created in the treasury of the State of Idaho a special fund to be known as the "Agricultural Department Inspection Fund."

SEC. 2. All moneys received by the Department of Agriculture of the State of Idaho for any inspection or inspections of any kind or character which said department is authorized to make, shall be credited to said fund and deposited therein.

SEC. 3. All compensation of inspectors and all expenses incurred by the Department of Agriculture in making any inspection whatsoever, shall be paid from the said fund by warrant drawn by the State Auditor upon the Treasurer of the state upon allowance of a verified claim by the State Board of Examiners in the manner provided by law, but no claim shall be allowed except the approval of the Commissioner of Agriculture be endorsed thereon.

SEC. 4. All moneys coming into the said Agricultural Department Inspection Fund are hereby appropriated and set aside for the uses and purposes specified in Section 3 of this Act and this appropriation is intended as a continuing appropriation of said fund for the uses and purposes therein mentioned.



SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed insofar as they conflict with any provisions of this Act.

SEC. 6. An emergency existing therefor, this Act shall be in force and effect from and after the 31st day of March, 1919.

Approved March 12, 1919.

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## CHAPTER 45.

(H. B. No. 142.)

### AN ACT

TO PROVIDE FOR COMPLETING THE CONSTRUCTION OF THE NEW CAPITOL BUILDING AT BOISE, IDAHO, BY ADDING THERETO THE TWO WINGS; *GIVING THE DEPARTMENT OF PUBLIC WORKS AUTHORITY TO ERECT THE SAME*; AND PROVIDING FOR THE ISSUANCE AND SALE OF BONDS OF THE STATE OF IDAHO IN THE SUM OF NINE HUNDRED THOUSAND DOLLARS TO PAY THE EXPENSES OF SAID WORK AND FOR FURNISHING SAID CAPITOL BUILDING WHEN COMPLETED AND PROVIDING FOR A LEVY OF TAX TO PAY THE PRINCIPAL AND INTEREST ON SAID BONDS; AND DECLARING AN EMERGENCY.

PREAMBLE. By the terms of section 6 of the Idaho Admission Bill the national government granted to the State of Idaho fifty sections of the unappropriated public lands within the state for the purpose of erecting public buildings at the capital of the state for legislative, executive and judicial purposes. In order to take advantage of such grant and to provide the largest means for the employment of our returning soldiers, sailors and marines;

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF IDAHO:

SECTION 1. That for the purpose of providing money for completing the construction of the new Capitol Building at Boise, Idaho, by adding thereto the two wings known as the Senate and Representative sections and the furnishing of said Capitol Building, a loan of nine hundred thousand dollars is hereby authorized to be negotiated upon the faith and credit of the State of Idaho, for the payment of the bonds herein authorized and the interest thereon, according

to the strict terms thereof, the faith of the State of Idaho is solemnly pledged.

SEC. 2. The state treasurer is hereby authorized, empowered and directed as hereinafter provided to issue nine hundred bonds of the State of Idaho in the sum of one thousand dollars (\$1,000) each payable in twenty years from the date of their issuance, to bear interest at a rate of four and three-fourths percent per annum, payable semiannually on the first day of January and July in each year in New York exchange, at the office of the state treasurer, or at such other place as may be selected by the state treasurer. Said bonds to be dated January 1, 1919, payable serially one-tenth on the eleventh year and one-tenth each year thereafter up to and including the twentieth year.

SEC. 3. At the time of issuing such bonds, the State Treasurer shall sign them with his own proper name, affixing his official character, and sign the coupons thereunto attached by affixing facsimile signature thereto, printed or otherwise impressed thereon, and such signing shall bind the state. The coupons for the payment of interest shall be attached to such bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one (1) to forty (40), inclusive, each bearing the corresponding number of the bond to which it is attached. The state treasurer shall keep a register of all the bonds issued by him under this act, showing the date of issuance, and shall deliver the said bonds, with coupons attached as aforesaid, to the purchaser or purchasers upon receipt of the purchase money therefor, and the money received from the sale of said bonds shall be then available for the purpose described by this act: Provided, that none of such bonds shall be sold for less than face or par value. The expense of printing or lithographing such bonds, with coupons attached, shall be paid out of the proceeds thereof. All moneys received from the sale of such bonds must be placed to the credit of a fund to be known as Capitol Building Construction Fund, 1919.

SEC. 4. For the purpose of creating a fund to pay the principal and interest of said bonds as they become due by the terms thereof, in addition to taxes now imposed by law, the state board of equalization is hereby empowered and directed to levy sufficient annual ad valorem tax upon each dollar of the assessed valuation of all property in the state not exempt from taxation to meet the interest on said bonds as it falls due for ten years next ensuing and thereafter such additional ad valorem tax on each dollar of the assessed val-



uation of all property in the state not exempt from taxation as will be required to meet the principal and interest of said bonds as they mature, which tax shall be collected as other taxes for state purposes are collected and shall be paid into said Capitol Building Construction Fund, 1919.

SEC. 5. The state treasurer shall pay the interest on said bonds, when due, out of said fund, taking the coupons as his voucher therefor.

SEC. 6. If at any time there shall not be sufficient money in the said Capitol Building Construction Fund, 1919, to pay the interest coupons or the principal of such bonds when due, the state treasurer shall pay the same out of the general fund of the state, and shall replace the amount so paid out for said Capitol Building Construction Fund, 1919, whenever money for said fund shall be received.

SEC. 7. If, at any time prior to the time when the bonds herein provided for shall become subject to redemption, the amount of money in said Capitol Building Construction Fund, 1919, shall exceed the amount required for the payment of interest coupons of such bonds due or to become due within the next ensuing twelve months, the state treasurer shall use such surplus on payment of any warrants drawn upon him by the state auditor and presented for payment and not paid for want of money in the fund upon which they are drawn properly applicable thereto, and shall register and endorse such warrants as provided by section 125 of the Compiled Laws of Idaho and place the same, so endorsed, to the credit of said Capitol Building Construction Fund, 1919, and such warrants shall bear interest and be payable in due course as other outstanding warrants, and when paid, the principal and interest thereof shall belong to said fund and shall be in like manner reinvested until said bonds become redeemable as aforesaid.

SEC. 8. The State Treasurer is hereby authorized and directed to negotiate, sell and deliver said bonds drawing four and three-fourths per cent. interest per annum, at par and accrued interest to date of delivery to Ferris and Hardgrove, a partnership of Spokane, Washington.

SEC. 9. The department of public works is hereby authorized and directed to take all necessary steps, enter into all proper contracts and to do all other acts and things necessary or proper to complete the construction and furnishing of the present Capitol Building.

SEC. 10. All bills, accounts, or claims whatever, arising in pursuance of the provisions of this act must be submitted

by an itemized statement in writing, duly verified in duplicate to the department of public works. For any claim found by them to be correct, they must issue their certificate, describing therein the claim allowed so that it may be readily identified and having audited the claim the department must attach to the certificate a duplicate copy of the itemized claim and transmit both to the state board of examiners, and when allowed by said state board of examiners, the same must be paid by a warrant on the said Capitol Building Construction Fund, 1919, for the amount so found due.

The architect or superintendent of construction or any other officer or person appointed by the department of public works is subject to removal at any time by the said department.

SEC. 11. Citizens of the capital city, having expressed a desire to cooperate with the state in rendering more suitable the surroundings of and approach to the Capitol Building, and having in view the possible establishing of a civic center in connection therewith, *the Department of Public Works shall not proceed with the completion of the capitol building until plots of ground immediately adjacent to the present capitol site shall have been purchased by the municipality of Boise to the entire satisfaction of said Department.*

SEC. 12. Whereas an emergency exists therefor, this act shall be in force and take effect from and after its passage and approval.

Approved March 12, 1919.

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## CHAPTER 46.

(S. B. No. 85.)

### AN ACT

AMENDING CHAPTER 220:143 OF COMPILED LAWS OF IDAHO, RELATING TO THE VALUATION OF LIFE INSURANCE POLICIES, AND AN EMERGENCY EXISTING THEREFOR.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Chapter 220:143 of Compiled Laws of Idaho is amended to read as follows:

“Chapter 220:143. All valuations of the policies of life insurance companies shall be made by the insurance commissioner or by his authority according to the standard of



valuation adopted by the company: *Provided*, That the minimum standard of valuation for all policies issued in this State *on and after the 1st day of January, 1914*, shall be the American experience table of mortality, and interest at  $3\frac{1}{2}$  per cent per annum, and that not more than one year shall be used as a preliminary term. The commissioner may make extra charges in particular cases of invalid lives and other extra hazards; may value policies in groups; may use approximate averages for fractions of a year, and may at his option assume as accurate the valuations of the department of insurance of any other state; and shall value policies other than ordinary and 20 payment life, according to the modified preliminary term, with 20 payment life policies as a basis for such valuation."

SECTION 2. WHEREAS, an emergency exists therefor, this Act shall be in force and effect from and after its passage and approval by the Governor.

Approved March 12, 1919.

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## CHAPTER 47.

(S. B. No. 148.)

### AN ACT

EMPOWERING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE LANDS AND FACTORIES FOR ROAD MAKING MATERIALS AND TO DISPOSE OF THE SAME AND THEIR PRODUCTS, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. In connection with its duties to construct and maintain state highways, the department of public works, shall have power:

To purchase, lease or otherwise acquire and to develop lands for the purpose of securing road making materials therefrom.

To purchase, lease or otherwise acquire mill and factory sites and to construct equip and operate thereon mills and factories for the reduction and manufacture of road making materials.

In the name of the state and to the best interests of the state, to dispose of any lands and their appurtenances acquired under this act, when no longer needed for the purposes for which acquired, and of any surplus materials and by-products from such lands and manufactories.

SECTION 2. There is hereby appropriated, out of any moneys in the State Treasury, the sum of seventy-five thousand dollars to be used in the discretion of the department of public works to carry out the purposes of this act.

SECTION 3. Whereas, an emergency exists therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1919.

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## CHAPTER 48.

(S. B. No. 190.)

### AN ACT

AMENDING SUBDIVISION 41 OF SECTION 26 OF ARTICLE III. OF AN ACT OF THE FIFTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT IN RELATION TO THE CIVIL ADMINISTRATION OF THE STATE," ETC., BEING SENATE BILL NUMBER 19, AS AMENDED, OF THE PRESENT SESSION OF THE LEGISLATURE, APPROVED FEBRUARY 19, 1919; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Subdivision 41 of Section 26 of Article III. of an Act of the Fifteenth Session of the Legislature, entitled "An Act in Relation to the Civil Administration of the State," etc., being Senate Bill Number 19, as amended by the present session of the Legislature, approved February 19, 1919, be, and the same is hereby, amended to read as follows:

"41. To co-operate with *the Board of Directors of the Northwest Livestock Assn.* in holding annually for the special advancement of the industry of the State a livestock show at Lewiston."

SECTION 2. An emergency existing therefor, this Act shall be in force and effect from any after the 31st day of March, 1919.

Approved March 13, 1919.



**CHAPTER 49.**

(H. B. No. 151.)

**AN ACT**

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF \$200,000; APPROPRIATING THE PROCEEDS OF THE SALE THEREOF FOR THE PAYMENT OF A PORTION OF THE COST OF LAYING OUT, SURVEYING AND CONSTRUCTING A SYSTEM OF STATE HIGHWAYS IN THE STATE OF IDAHO; PROVIDING BY A TAX LEVY A REDEMPTION OR SINKING FUND FOR THE PAYMENT OF THE SAID BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME BECOMES DUE; APPROPRIATING THE MONEYS WHICH SHALL ACCRUE TO SUCH SINKING FUND FOR THE PURPOSES FOR WHICH PROVIDED; PROVIDING THE MANNER OF SALE OF SAID BONDS; DIRECTING THE DEPARTMENT OF PUBLIC WORKS HOW TO APPLY THE PROCEEDS OF THE SALE OF SAID BONDS HEREBY AUTHORIZED, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That for the purpose of providing moneys to be used in paying for a portion of the cost of laying out, surveying and constructing a system of state highways in the state of Idaho a loan of \$200,000 is hereby authorized to be negotiated upon the faith and credit of the state of Idaho.

SECTION 2. That the State Treasurer of the state of Idaho is hereby authorized, empowered and directed, immediately upon the taking effect of this act, to issue 200 bonds of the state of Idaho numbered consecutively from 1 to 200, both inclusive, in the sum of \$1000 each, all of which shall be known as Idaho state highway bonds, third issue, and shall become due serially, one-tenth on the eleventh (11th) year after date and one-tenth each year thereafter, up to and including the twentieth year. Such bonds shall bear interest at a rate which shall not exceed the rate of four and three-fourths ( $4\frac{3}{4}$ ) per centum per annum, and such interest shall be paid in equal semi-annual installments upon the first day of January and the first day of July in each year. Such installments of interest shall be evidenced by interest coupons attached to each bond in such manner that they may be detached and removed without mutilating either the bond or the coupons themselves and be numbered consecutively.

SECTION 3. The state Treasurer shall at once cause to be printed or lithographed suitable bonds in proper form with interest coupons attached thereto for the purpose of carrying out the provisions of this act.

SECTION 4. All bonds issued under and by virtue of the provisions of this act shall be signed by the governor of the State of Idaho with his own proper name and in his official capacity. They shall likewise be signed by the secretary of state in his official capacity and be authenticated by having attached to each the great seal of the State of Idaho.

SECTION 5. After being signed by the governor and the secretary of state and being authenticated as hereinbefore provided the said bonds shall be delivered to the state auditor who shall make and keep in his office a register fully and properly describing each bond and the interest coupons attached thereto in the manner and form in which bonds heretofore issued by the state of Idaho are described in the registers thereof kept in the office of the state auditor. Having so registered the same, the state auditor shall deliver the bonds to the state treasurer and shall charge the treasurer with the full par value thereof.

SECTION 6. The state treasurer shall make and keep in his offices a register of all bonds issued under the provisions of this act, which register shall show all those things required to be shown by the register thereof kept in the office of the state auditor and such other information with respect thereto as the treasurer shall deem it proper and necessary to record.

SECTION 7. When ready to make delivery of same the state treasurer shall sign each of said bonds with his own proper name and in his official capacity as such state treasurer and each of the interest coupons attached thereto shall have the lithographed or printed facsimile signature of the state treasurer, which signatures shall bind the state of Idaho. The state treasurer shall make delivery of the bonds to the purchaser thereof on behalf of the state of Idaho and shall at the same time make collection from said purchaser of the full amount of the price for which the same are sold.

SECTION 8. All moneys received from the sale of the Idaho state highway bonds, third issue, shall be paid into the Idaho state highway fund. Such moneys are hereby appropriated and made available for the laying out, surveying and constructing of a system of state highways in the state of Idaho, including all bridges, culverts and grades and the purchase of rights of way forming a part thereof



or being necessary to be had, used or occupied in connection therewith and for such purposes only. No moneys shall at any time be withdrawn permanently from said fund except upon the warrant of the state auditor.

SECTION 9. For the purpose of creating a fund, which said fund is hereby designated as the state highway redemption fund, third bond issue, out of which shall be paid the principal and interest upon the bonds to be issued under and by virtue of the provisions of this act there is hereby levied a tax of four hundredths of one mill (\$.00004) upon each dollar in value of the taxable property within the state, the same to be known as the state highway tax, and the proceeds of the same are hereby appropriated and set aside until such time as the said Idaho state highway bonds, third issue, and all interest which shall have accrued thereon are fully paid and redeemed. The moneys accruing from the source above mentioned, which are hereby diverted, appropriated and set aside for the purposes above set forth, shall be by the state auditor and state treasurer credited to and placed in the said state highway redemption fund, third bond issue, out of which fund the state treasurer shall pay the interest upon the Idaho state highway bonds, third issue, as the same shall become due, and upon any day upon which the interest coupons attached to said bonds become due, beginning January 1, 1929, he shall also pay so much of the principal of said bonds as it may be possible to pay after reserving in said fund moneys sufficient in amount to pay the interest upon those said bonds then outstanding which will accrue and become due during and within the next ensuing year.

SECTION 10. If at any time there shall not be sufficient moneys in the said state highway redemption fund, third bond issue, to pay the interest upon or principal of the Idaho state highway bonds, third issue, authorized by this act, then due, the state treasurer of the state of Idaho shall pay the same out of the general fund of the state. The state treasurer shall, however, as soon thereafter as sufficient moneys for that purpose have accrued to the said state highway redemption fund, third bond issue, repay to the state general fund all amounts taken therefrom under this provision and not previously repaid.

SECTION 11. For the payment of the bonds authorized to be issued under and by the provisions of this act and the interest which shall accrue thereon, according to the strict terms hereof, the faith and credit of the state of Idaho is solemnly pledged, and for the payment of such bonds and

the interest thereon in lawful money of the United States of America as and when the same shall become due the state treasurer shall reserve any and sufficient of the money in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest upon and the principal of other bonds of the state of Idaho heretofore issued under acts of the legislature of said state.

SECTION 12. The State Treasurer is hereby authorized and directed to negotiate, sell and deliver said bonds drawing four and three-fourths ( $4\frac{3}{4}$ ) per cent interest per annum at par and accrued interest to date of delivery, to Ferris & Hardgrove, a partnership of Spokane, Washington.

SECTION 13. The expenses of printing or lithographing and procuring suitable bonds with interest coupons attached, for the purpose of carrying out the provisions of this act, shall be paid out of the moneys arising from the sale thereof as an expense incident to the laying out, surveying and constructing of said system of state highways.

SECTION 14. The said state highway bonds, third issue, to be issued under the provisions of this act, shall bear date of January 1, 1919, and become due serially, one-tenth on the eleventh (11th) year after date, and one-tenth each year thereafter up to and including the twentieth year. Both bonds and interest coupons herein authorized to be issued, shall be payable at the office of the state treasurer at Boise, Idaho, in New York Exchange.

SECTION 15. The department of public works of the state of Idaho is hereby directed to apply the proceeds of the said Idaho state highway bonds, third issue, as follows, to-wit:

To the completion or construction of state roads or bridges in cooperation with counties of the state of Idaho or the federal government or both, in such amounts as deemed proper by the department of public works.

The foregoing allotment is made contingent upon the availability of cooperative funds to be supplied by counties, highway districts and the federal government, as provided by law, or funds supplied by private donation or received from any other source, and should it appear to the satisfaction of the department of public works at any time subsequent to January 1, 1920, that cooperative funds will not be supplied in the necessary amounts to make use of the entire amount herein appropriated, the department of public works may use, at its discretion any remainder for the



construction or completion of such state highways as deemed by it for the best interests of the state.

SECTION 16. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1919.

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## CHAPTER 50.

(H. B. No. 152.)

### AN ACT

AMENDING SECTIONS 2, 7, 9 AND 12 OF CHAPTER 64 OF THE SESSION LAWS OF 1917 PROVIDING FOR THE ISSUANCE AND SALE OF STATE HIGHWAY BONDS, SECOND ISSUE, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 2 of chapter 64 of the session laws of 1917 is amended to read as follows:

“Sec. 2. That the state treasurer of the state of Idaho is hereby authorized, empowered and directed, immediately upon the taking effect of this act, to issue *five hundred (500)* bonds of the state of Idaho, numbered consecutively from one (1) to *five hundred (500)*, both inclusive, in the sum of one hundred dollars (\$100.00) each, and the said state treasurer shall in like manner issue *nine hundred (900)* bonds of the state of Idaho, numbered consecutively from one thousand and one (1,001) to *nineteen hundred (1900)* both inclusive, in the sum of five hundred dollars (\$500.00) each, and the said state treasurer shall furthermore issue in like manner *five hundred (500)* bonds of the state of Idaho, numbered consecutively from two thousand and one (2,002) to two thousand five hundred (2,500), both inclusive, in the sum of one thousand dollars (\$1,000.00) each, all of which shall be known as Idaho state highway bonds, second issue, and shall become due twenty (20) years from the date of their issuance. Such bonds, *to the value of nine hundred thousand dollars (\$900,000)*, shall bear interest at a rate which shall not exceed the rate of four and one-half (4½) per centum per annum, *and such bonds, to the value of one hundred thousand dollars (\$100,000)* shall bear interest at a rate which shall not exceed the rate of four and three-fourths (4 3-4) per centum per annum, and such interest shall be paid in equal semiannual install-

ments upon the first day of January and the first day of July in each year, *in New York Exchange*. Such installments of interest shall be evidenced by forty (40) interest coupons attached to each bond in such manner that they may be detached and removed without mutilating either the bond or the coupons themselves, and be numbered consecutively from one (1) to forty (40) inclusive. Any or all of said bonds may, at the pleasure of the state be paid off and redeemed after 10 years from their date of issuance.

SECTION 2. Section 7 of chapter 64 of the Compiled Laws is amended to read as follows:

"Sec. 7. When ready to make delivery of same the state treasurer shall sign each of said bonds with his own proper name and in his official capacity as such state treasurer and \* \* each of the interest coupons attached thereto *shall have the lithographed or printed facsimile signature of the state treasurer, which signatures shall bind the state of Idaho.* The state treasurer shall make delivery of the bonds to the purchaser thereof, *Ferris & Hardgrove, a partnership of Spokane, Washington*, on behalf of the state of Idaho and shall at the same time make collection from said purchaser of the full amount of the price, *par and accrued interest to date of delivery*, for which the same are sold."

SECTION 3. Section 9 of chapter 64 of the session laws of 1917 is amended to read as follows:

"Sec. 9. For the purpose of creating a fund, which said fund is hereby designated as the state highway redemption fund, second bond issue, out of which shall be paid the principal and interest upon the bonds to be issued under and by virtue of the provisions of this act there is hereby levied a tax of *two-tenths* of one mill (\$.0002) upon each dollar in value of the taxable property within the state, the same to be known as the state highway tax, and the proceeds of the same are hereby appropriated and set aside until such time as the said Idaho state highway bonds, second issue, and all interest which shall have accrued thereon are fully paid and redeemed. The moneys accruing from the source above mentioned, which are hereby diverted, appropriated and set aside for the purposes above set forth, shall be by the state auditor and state treasurer credited to and placed in the said state highway redemption fund, second bond issue, out of which fund the state treasurer shall pay the interest upon the said Idaho state highway bonds, second issue, as the same shall become due, and upon any day upon which the interest coupons attached to said bonds become



due, beginning January 1, 1927, he shall also pay so much of the principal of said bonds as it may be possible to pay after reserving in said fund moneys sufficient in amount to pay the interest upon those said bonds then outstanding which will accrue and become due during and within the next ensuing year.

SECTION 4. Section 12 of chapter 64 of session laws of 1917 is amended to read as follows:

"Sec. 12. The State Treasurer is hereby authorized and directed to negotiate, sell and deliver said bonds drawing four and three-fourths per cent. interest per annum, at par and accrued interest to date of delivery to Ferris and Hardgrove, a partnership of Spokane, Washington".

SECTION 5. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1919.

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## CHAPTER 51.

(H. B. No. 238.)

### AN ACT

LEVYING A TAX OF TWO MILLS UPON THE ASSESSED VALUATION OF THE STATE FOR THE FISCAL YEAR OF 1919 AND EACH SUCCEEDING FISCAL YEAR TO PROVIDE REVENUE FOR THE CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF STATE HIGHWAYS; APPROPRIATING THE PROCEEDS OF SUCH TAX TO STATE HIGHWAY PURPOSES, AND DIRECTING THE COMMISSIONER OF PUBLIC WORKS HOW TO APPLY CERTAIN OF THE PROCEEDS; DEFINING THE METHOD OF ISSUING WARRANTS FOR THE DISBURSEMENT OF THE PROCEEDS OF SUCH TAX; DECLARING THAT NO OTHER ACT SHALL INVALIDATE ANY PORTION OF THIS ACT; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby levied an annual tax of two mills upon each dollar of the taxable property within the State for the fiscal year of 1919 and each succeeding fiscal year, the same to be known as the second State Highway Tax, to provide revenue for the construction, improvement and maintenance of state highways.

SECTION 2. The proceeds of the said tax shall be placed in the State Highway Fund, and are hereby appropriated for the purpose of constructing, improving and maintaining the state highways of Idaho, and all claims against the said highway fund shall be examined by the Commissioner of Public Works and certified to the State Auditor, who shall, upon the approval of the Board of Examiners, draw his warrant against said highway fund for all bills and claims so allowed by said Commissioner of Public Works. From the proceeds of the said tax for the fiscal years of 1919 and 1920, the Commissioner of Public Works is hereby directed to apply to the construction of the following state highways, in the counties as enumerated, the amounts as hereinafter set forth, viz:

#### NORTH AND SOUTH HIGHWAY

|                        |              |
|------------------------|--------------|
| Kootenai County .....  | \$ 33,000.00 |
| Benewah County .....   | 33,000.00    |
| Latah County .....     | 55,000.00    |
| Nez Perce County ..... | 42,000.00    |
| Lewis County .....     | 42,000.00    |
| Idaho County .....     | 283,000.00   |
| Adams County .....     | 125,000.00   |

#### PANHANDLE HIGHWAY

|                       |           |
|-----------------------|-----------|
| Boundary County ..... | 32,000.00 |
| Bonner County .....   | 28,000.00 |
| Kootenai County ..... | 2,000.00  |

#### NORTH PACIFIC HIGHWAY

|                       |           |
|-----------------------|-----------|
| Shoshone County ..... | 25,000.00 |
| Kootenai County ..... | 20,000.00 |

#### LEWIS AND CLARK HIGHWAY

|                           |                  |
|---------------------------|------------------|
| Nez Perce County .....    | 20,000.00        |
| Clearwater County .....   | 27,000.00        |
| Idaho County .....        | 48,000.00        |
| <i>Lewis County</i> ..... | <i>10,000.00</i> |

#### IDAHO CENTRAL HIGHWAY

|                     |           |
|---------------------|-----------|
| Elmore County ..... | 10,000.00 |
| Camas County .....  | 4,000.00  |
| Blaine County ..... | 15,000.00 |
| Butte County .....  | 5,000.00  |

#### SAWTOOTH PARK HIGHWAY

|                      |           |
|----------------------|-----------|
| Lincoln County ..... | 20,000.00 |
|----------------------|-----------|



|                     |           |
|---------------------|-----------|
| Blaine County ..... | 10,000.00 |
| Custer County ..... | 20,000.00 |
| Lemhi County .....  | 25,000.00 |
| Jerome County ..... | 10,000.00 |

## YELLOWSTONE PARK HIGHWAY

|                         |           |
|-------------------------|-----------|
| Bingham County .....    | 25,000.00 |
| Bonneville County ..... | 25,000.00 |
| Freemont County .....   | 56,000.00 |
| Jefferson County .....  | 15,000.00 |

## IDAHO-UTAH HIGHWAY

|                       |           |
|-----------------------|-----------|
| Bannock County .....  | 17,000.00 |
| Franklin County ..... | 27,000.00 |

## IDAHO-PACIFIC HIGHWAY

|                              |           |
|------------------------------|-----------|
| Washington County .....      | 2,000.00  |
| Payette County .....         | 13,000.00 |
| Canyon County .....          | 7,000.00  |
| Ada County .....             | 29,000.00 |
| Elmore County .....          | 72,000.00 |
| Gooding County .....         | 15,000.00 |
| Owsley Bridge, Snake R. .... | 50,000.00 |
| Twin Falls County .....      | 65,000.00 |
| Cassia County .....          | 20,000.00 |
| Power County .....           | 40,000.00 |
| Bannock County .....         | 13,000.00 |
| Bear Lake County .....       | 15,000.00 |
| Caribou County .....         | 10,000.00 |

## IDAHO-MONTANA HIGHWAY

|                         |           |
|-------------------------|-----------|
| Bonneville County ..... | 1,000.00  |
| Jefferson County .....  | 3,000.00  |
| Clark County .....      | 20,000.00 |

## ELK RIVER HIGHWAY

|                         |           |
|-------------------------|-----------|
| Shoshone County .....   | 2,000.00  |
| Latah County .....      | 2,000.00  |
| Clearwater County ..... | 15,000.00 |

## BOISE-ARROWROCK HIGHWAY

|                    |          |
|--------------------|----------|
| Boise County ..... | 1,000.00 |
|--------------------|----------|

## CASSIA HIGHWAY

|                     |           |
|---------------------|-----------|
| Cassia County ..... | 14,000.00 |
|---------------------|-----------|

## BLISS-SHOSHONE HIGHWAY

|                      |           |
|----------------------|-----------|
| Gooding County ..... | 4,000.00  |
| Lincoln County ..... | 12,000.00 |

## MALAD VALLEY HIGHWAY

|                      |           |
|----------------------|-----------|
| Bannock County ..... | 14,000.00 |
| Oneida County .....  | 21,000.00 |

## IDAHO-OREGON HIGHWAY

|                     |           |
|---------------------|-----------|
| Canyon County ..... | 14,000.00 |
| Owyhee County ..... | 13,000.00 |

From the proceeds of said tax the sum of \$70,000.00 shall be allotted to state highways in Teton, Minidoka, Gem, Fremont and Madison Counties, which highways the Commissioner of Public Works is hereby directed to designate after making investigation to determine the proper location of the same, said \$70,000.00 shall be apportioned to the various counties as follows:

|                |             |
|----------------|-------------|
| Teton .....    | \$20,000.00 |
| Minidoka ..... | 15,000.00   |
| Gem .....      | 15,000.00   |
| Fremont .....  | 10,000.00   |
| Madison .....  | 10,000.00   |

From the proceeds of the said tax for the fiscal year of 1919 sums aggregating not to exceed \$90,000.00 shall be used for the reimbursement of the Albion Highway District, the Lapwai Valley Highway District, the Mountain Home Highway District, the Buhl Highway District, the Gooding Highway District, Payette County, Bear Lake County, Bonneville County and Franklin County, for the State's proper share of the cost of state highway work done by the said counties and districts at their sole expense, under the direction or approval of the *State Highway Commission*.

SECTION 3. The foregoing allotment, except as to the allotment for that portion of the North and South Highway extending from White Bird in Idaho County to the mouth of the East Fork of the Weiser River where it joins the main Weiser River in Adams County, is made contingent upon the availability of co-operative funds to be supplied by counties, highway districts and the Federal Government, as provided by law, or funds supplied by private donation or received from any other source, and should it appear to the satisfaction of the Commissioner of Public Works at any time subsequent to May 1, 1920, that co-operative funds will not be supplied in the necessary amounts to make use of the entire sums named in any of the items enumerated in Section 2 of this Act, the Commissioner of Public Works may use, at *his* discretion, any such amounts remaining



available for other state highway work as deemed by *him* for the best interests of the State.

SECTION 4. Upon vouchers approved by the Commissioner of Public Works and the Board of Examiners in accordance with Section 2 of this Act, the State Auditor shall issue warrants upon the State Treasurer, payable from the State Highway Fund, which warrants shall be interest-bearing as provided in Section 125 of the Compiled Laws of Idaho in case the same cannot be paid upon presentation to the State Treasurer, Provided, that the aggregate amount of such interest-bearing warrants shall never exceed the revenue due from the Second State Highway Tax for the current fiscal year.

SECTION 5. No Act or portion of Act in conflict with this Act shall be construed as invalidating this Act or any portion thereof. Should any portion of this Act be declared unconstitutional, it shall not invalidate the other provisions thereof.

SECTION 6. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1919.

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## CHAPTER 52.

(H. B. No. 281.)

### AN ACT

LEVYING AN AD VALOREM TAX FOR EACH OF THE FISCAL YEARS 1919 AND 1920 TO PROVIDE REVENUE TO PAY THE GENERAL CURRENT EXPENDITURES OF THE STATE OF IDAHO DURING THE PERIOD BEGINNING ON THE FIRST MONDAY IN JANUARY, 1919, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1921, AND OTHER GENERAL EXPENDITURES OF THE STATE, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there is hereby levied an annual ad valorem tax of Two Million (\$2,000,000.00) Dollars, for each of the fiscal years 1919 and 1920 upon all property in the State of Idaho not legally exempt from taxation for the purpose of providing revenues to pay the necessary general expenditures of the State during the period beginning on the first Monday in January, 1919, and ending on the

first Monday in January 1921, and other general expenditures of the State.

SECTION 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 13, 1919.

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## CHAPTER 53.

(H. B. No. 26.)

### AN ACT

TO PROVIDE FOR THE ACCEPTANCE OF THE BENEFITS AND PROVISIONS OF AN ACT OF CONGRESS APPROVED FEBRUARY 23, 1917, PROVIDING FOR THE PROMOTION OF VOCATIONAL EDUCATION AND COMMONLY KNOWN AS THE SMITH-HUGHES ACT; PROVIDING FOR A STATE BOARD FOR VOCATIONAL EDUCATION AND DEFINING THE FUNCTIONS THEREOF; DESIGNATING THE COMMISSIONER OF EDUCATION AS THE EXECUTIVE OFFICER OF THE STATE BOARD FOR VOCATIONAL EDUCATION; DESIGNATING THE STATE TREASURER AS THE CUSTODIAN OF ALL MONEYS RECEIVED BY THE STATE FROM FEDERAL APPROPRIATIONS FOR VOCATIONAL EDUCATION, AND MAKING APPROPRIATIONS FOR VOCATIONAL EDUCATION; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the State of Idaho hereby accepts the benefits and provisions of an Act of Congress approved February 23, 1917, entitled "An Act to provide for the promotion of vocational education, to provide for the cooperation with the states and the promotion of such education in agriculture and the trades and industries; to provide for the cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure", commonly known as the Smith-Hughes Act.

SECTION 2. The State Board of Education is hereby designated as the State Board for Vocational Education for the purpose of carrying into effect the provisions of the Federal Act, known as the Smith-Hughes Act, and is hereby authorized to cooperate with the Federal Board for Vocational Education in the administration and enforcement of



the provisions of said Act, and to exercise such powers and perform such acts as are necessary to entitle the State to receive the benefits of the said Act, and to execute the laws of the State of Idaho relative to vocational education; to administer the funds provided by the Federal Government and the State of Idaho under the provisions of this Act for the promotion of education in agricultural subjects, trade and industrial subjects, and home economics subjects. It shall have full power to formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of the State of Idaho, and to provide for the preparation of teachers of such subjects. It shall have full power to fix the compensation of such officials and assistants as may be necessary to administer the Federal Act herein referred to, and to pay such compensation and other necessary expenses of administration from funds appropriated in this Act and from money received under the provisions of the Federal Act. It shall have authority to make studies and investigations relating to vocational education in such subjects, to promote and aid in the establishment by local communities of schools, departments or classes, giving training in such subjects; to cooperate with the local communities in the maintenance of such schools, departments or classes; to prescribe qualifications for teachers, directors and supervisors for such subjects, and to have full authority to provide for the certification of such teachers, directors and supervisors, subject to the laws and rules governing the State Board of Education; to cooperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general regulation the qualifications to be possessed by persons engaged in the training of vocational teachers. The State Board of Education, when acting as the State Board for Vocational Education, shall hold two regular meetings annually at such time and place as may be directed by said Board, but special meetings may be called at any time and at a place designated in said call by the president.

SECTION 3. The Commissioner of Education shall serve as executive officer of the State Board for Vocational Education and shall designate, by and with the advice and consent of the State Board for Vocational Education, such officers and assistants as may be necessary to properly carry out the provisions of the Federal Act and this act for the State of Idaho.

The Commissioner of Education shall also carry into effect such rules and regulations as the State Board for Vocational Education may adopt and shall prepare such reports concerning the condition of vocational education in the State as the State Board for Vocational Education may require.

SECTION 4. The State Treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriation made by said Act of Congress, and he is authorized to receive and to provide for the proper custody of the same and to make disbursement thereof in the manner provided in the said Act, and for the purposes therein specified. He shall also pay out any moneys appropriated by the State of Idaho for the promotion of vocational education in accordance with the provisions of this Act and upon the order of the State Board for Vocational Education.

SECTION 5. There is hereby appropriated for each biennial period from moneys in the general fund of the state treasury not otherwise appropriated as an offset to the Federal appropriation, a sum not less than the sum to which the State of Idaho is entitled from the benefits of the said Federal Act, for the biennial periods covered by this appropriation.

There is hereby appropriated from any moneys in the general fund of the State treasury not otherwise appropriated, for the biennial period beginning January 1, 1919, the sum of Thirty-Eight Thousand Four Hundred Nineteen Dollars and Seventy-Seven cents (\$38,419.77), to be expended by the State Board for Vocational Education for the promotion of vocational education as provided for in the Federal Act and in this act for the State of Idaho.

SECTION 6. The State Board for Vocational Education shall make to the Governor annually and to the Governor and Legislature biennially a report of all moneys expended for vocational education both from State and Federal funds, and shall include such biennial report in the biennial report of the State Board of Education.

SECTION 7. An emergency existing therefor, this Act shall have full force and effect from and after its passage and approval.

Approved March 14, 1919.



**CHAPTER 54.**

(H. B. No. 40.)

**AN ACT**

TO PROVIDE FOR THE CREATION OF A STATE BUREAU OF MINES AND GEOLOGY, DEFINING THE FUNCTIONS THEREOF AND ESTABLISHING A GOVERNING BOARD THEREFOR; PROVIDING FOR COOPERATIVE WORK WITH THE UNITED STATES BUREAU OF MINES AND THE UNITED STATES GEOLOGICAL SURVEY, AND MAKING APPROPRIATIONS THEREFOR; PROVIDING FOR GEOLOGICAL AND ECONOMIC INVESTIGATIONS OF THE MINERAL RESOURCES OF THE STATE AND MAKING APPROPRIATION THEREFOR; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there be and hereby is created a State Bureau of Mines and Geology which shall be under the direction of the State Board of Control of the said Bureau, consisting of the following members, to-wit:

The Governor of the State of Idaho, who shall be ex-officio chairman; the Dean of the School of Mines of the University of Idaho, who shall be ex-officio secretary of the Board; the State Inspector of Mines; the head of the Department of Geology of the University of Idaho; the president of the Idaho Mining Association; all of whom shall serve as members of the said Board without pay: Provided, however, that the members of said Board shall receive their actual and necessary traveling expenses while attending the meetings of the Board.

SECTION 2. The State Bureau of Mines and Geology shall hold annual meetings at Boise, Idaho, on the first Monday of April of each year and such other meetings as it may determine upon. The chief office of said Bureau and the office of its secretary shall be maintained at the University of Idaho.

SECTION 3. It shall be the duty of the said State Bureau of Mines and Geology to conduct cooperative work with the United States Bureau of Mines in the investigation of mining and metallurgical problems of the State, the condition being that the Federal expenditure for such purposes shall at least equal that of the State; to conduct cooperative work with the United States Geological Survey in completing the topographical mapping of the State, in hydrographic

surveys or in other geological work deemed by the Board advantageous to the development of the mineral or water power resources of the State, provided that the Federal expenditure for such purposes shall be at least equal to that of the State; to conduct such geological and economic investigations or surveys of the mineral resources of the State as may be deemed by the Board advantageous; and to publish from time to time such bulletins and reports of progress as the Board may deem expedient.

SECTION 4. That there be and hereby is appropriated for the fiscal period beginning on the first Monday of January, 1919, and ending on the first Monday of January, 1921, out of any moneys in the general fund of the State Treasury not otherwise appropriated the sum of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary, for the use and support of said State Bureau, the said appropriations to be distributed as follows: For cooperative work with the United States Bureau of Mines, \$15,000; for cooperative work with the United States Geological Survey, \$10,000; for general geological and economic investigations of the mineral resources of the State, \$5,000, making a total of \$30,000.

SECTION 5. The State Bureau of Mines and Geology shall annually, on or before the first day of January, make to the Governor of the State a report of its expenditures and of the work of said Bureau during the preceding year; and biennially, on or before the first day of January preceding the meeting of the State Legislature, it shall make a similar report of its doings and its expenditures to the Governor and the State Legislature, which report shall contain any recommendations which it desires to make for the development of the mineral resources of the State.

SECTION 6. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 55.

(H. B. No. 41.)

### AN ACT

GIVING INDEPENDENT AND RURAL HIGH SCHOOL DISTRICTS THE POWER UNTIL SEPTEMBER 1, 1919, TO ISSUE FUNDING BONDS TO TAKE UP THEIR OUTSTANDING INDEBTEDNESS AND DECLARING AN EMERGENCY.



*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the Board of trustees of any independent or rural high school district organized under general or special law may issue negotiable coupon bonds of their district for the purpose of paying, redeeming, funding, refunding, purchasing and redeeming the outstanding indebtedness of their district whenever the same can be done to the profit or advantage of the district without the district incurring any additional indebtedness or liability exceeding in any year the income or revenue provided for such year. Said bonds must bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually at the office of the treasurer of the district or at such banking house in the city of New York as may be designated by the board of trustees; and the principal of said bonds or any part thereof may, at the option of the district, be paid at any time after ten (10) years and must be paid within twenty (20) years from the time they are issued and in the order in which they are issued and numbered. Semi-annual interest coupons covering the interest to become due must be attached to each bond, the bonds must be signed by the presiding officer of the board and attested by its Secretary and the seal of the district, if it has a seal, and the coupons must be signed and the bonds registered by the treasurer of the board. No bond shall be sold at less than its par value and the proceeds thereof must be devoted to the payment, redemption or refunding of the outstanding indebtedness of the district.

SECTION 2. This act and the powers hereby conferred shall expire on the first day of September, 1919.

SECTION 3. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 56.

(S. B. No. 83.)

### AN ACT

PROVIDING FOR AN EXAMINATION INTO THE FINANCIAL STATUS OF SCHOOL DISTRICTS OF THE STATE OF IDAHO, FIXING THE POWERS AND DUTIES OF THE BOARDS OF TRUSTEES AND THE BOARD OF EDUCATION OF THE STATE OF IDAHO IN RESPECT THERETO, AND PROVID-

ING FOR PAYING THE EXPENSES THEREOF, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the Board of Trustees of every school district of the State of Idaho except the Board of Trustees of common school districts shall have full authority and it is hereby made its duty from time to time at intervals not greater than four (4) years to cause to be made by competent accountants a thoro and complete examination of all books and accounts and of all moneys on hand to the credit of the said district, together with its outstanding obligations, and a complete report to be made in triplicate to the said Board of Trustees of the results of the examination setting forth the financial standing of the district, one copy of which report shall be placed on file with the clerk of the district and one copy to be filed in each of the offices of the State Board of Education and of the Treasurer of the particular county.

SECTION 2. That whenever in its judgment the public welfare demands it, the State Board of Education may direct the trustees of any school district in the State of Idaho to cause an examination of the books and accounts and the assets and liabilities of the said district to be made and a report to be made thereon to the Trustees of said district, and one copy of the said report to be filed in the office of the State Board of Education and one copy in the office of the Treasurer of the particular county; *Provided*, That upon the failure or neglect of the Board of Trustees to have such examination and report made and completed, within a reasonable time, the State Board of Education may cause the same to be made on behalf of the district.

SECTION 3. That the expense of the examination and report provided for in Sections 1 and 2 of this Act shall be paid for by the district for which the examination and report is made out of funds to it belonging.

SECTION 4. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1919.



**CHAPTER 57.**

(S. B. No. 102.)

**AN ACT**

TO AUTHORIZE ADMINISTRATORS, EXECUTORS OR GUARDIANS TO MORTGAGE, PLEDGE, OR LEASE REAL OR PERSONAL PROPERTY OF ESTATES, AND PROVIDING FOR THE PROCEEDINGS THEREFOR, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Whenever, in any estate now being administered, or that may hereafter be administered, or in any guardianship proceeding now pending, or that may hereafter be pending, it shall appear to the Probate Court, or the judge thereof, to be for the advantage of the estate to raise money upon a note or notes to be secured by a mortgage of the real property of any decedent, or of a minor, or an incompetent person, or any part thereof, or to make a lease of said real property, or any part thereof, or to mortgage, pledge or hypothecate personal property, including notes secured by real estate mortgage, or to make a lease of said personal property, or any part thereof, the court or judge, as often as occasion therefor shall arise in the administration of any estate, or in the course of any guardianship matter, may, on a petition, notice and hearing as provided in this Act, authorize, empower and direct the executor or administrator, or guardian of such minor or incompetent person, to mortgage such real or personal property, or any part thereof, and to execute a note or notes to be secured by such mortgage, or to lease such real estate or personal property or some part thereof.

SEC. 2. To obtain an order to mortgage such realty, or to mortgage, pledge or hypothecate personal property, including notes secured by real estate mortgages, the proceedings to be taken and the effect thereof shall be as follows:

First. The executor or administrator of any estate, or guardian of any minor or incompetent person, or any person interested in the estates of such decedents, minors, or incompetent persons, may file a verified petition showing:

1. The particular purpose or purposes for which it is proposed to make the note or notes and mortgages which shall be either to maintain the ward and his family, or to maintain and educate the ward when a minor, or to pay, reduce, extend or renew some lien or mortgage already subsisting on the realty of said ward, or some part thereof,

and in the case of decedents' estates, to pay the debts, legacies, or charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty or some part thereof.

2. A statement of the facts and circumstances showing the insufficiency of the income of the estate under guardianship to maintain the ward and his family, or to maintain and educate the ward, when a minor, and the liens or mortgages to be paid, reduced, extended, or renewed, as the case may be; and in the case of the decedents' estates, to pay the debts, legacies, or charges of administration, and the liens or mortgages to be paid, reduced, extended, or renewed, as the case may be.

3. The advantage that may accrue to the estate from raising the required money by note or notes and mortgage, or providing for the payment, reduction, extension, or renewal of the subsisting liens or mortgages, as the case may be.

4. The amount to be raised, with a general description of the property proposed to be mortgaged; and

5. The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, as the case may be, so far as known to the petitioner.

Second. Upon filing such petition, an order shall be made by the court or judge, requiring all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than four nor more than ten weeks thereafter, then and there to show cause why the realty (briefly indicating it), or some part thereof, should not be mortgaged for the amount mentioned in the petition (stating such amount), or such lesser amount as to the court or judge shall seem meet, and referring to the petition on file for further particulars.

Third. The order to show cause may be personally served on the persons interested in the estate, at least ten days before the time appointed for hearing the petition, or may be published for four successive weeks in a newspaper of general circulation, published in the county.

Fourth. At the time and at the place appointed in the order to show cause, or at such other time and place to which the hearing may be postponed (the power to make all needful postponements being hereby vested in the court or judge), having first received satisfactory proof of per-



sonal service or publication of the order to show cause, the court or judge must proceed to hear the petition and any objections that may be filed or presented thereto.

Upon such hearing, witnesses may be compelled to attend and testify, in the same manner, and with like effect, as in other cases; and if, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to mortgage the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor or administrator, or the guardian of such minor or incompetent person, to make such mortgage, and a promissory note or notes to the lender, for the amount of the loan, to be secured by said mortgage; the order may direct that a lesser amount than that named in the petition be borrowed, and may prescribe the maximum rate of interest and period of the loan, which shall not exceed five years, and may direct in what coin or currency it shall be paid, and require that the interest and the whole or any part of the principal be paid, from time to time, out of the whole estate or any part thereof, and that any buildings on the premises to be mortgaged shall be insured for further security of the lender, and the premiums paid from such income.

Fifth. After the making of the order to mortgage, the executor, administrator, or guardian of a minor or of an incompetent person shall execute and deliver a promissory note or notes for the amount and period specified in the order, and shall execute, acknowledge, and deliver a mortgage of the premises, setting forth in the mortgage that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the encumbered land, or any portion thereof, lies. The note or notes and mortgage shall be signed by the executor, administrator, or guardian as such, and shall create no personal liability against the persons so signing.

Sixth. Every note or notes and mortgage so made shall be effectual to mortgage and hypothecate all the right, title, interest and estate which the decedent, minor or incompetent person had in the premises described therein at the time of the death of such decedent, or at the time of the appointment of the guardian of such minor or of such incompetent person, or prior thereto, and any right, title, or interest in said premises acquired by the estate of such decedent, minor, or incompetent person, by operation of law or otherwise, since the time of the death of such decedent,

or the appointment of the guardian of such minor or incompetent person.

Jurisdiction of the court to administer the estate of such decedent, minor, or incompetent person shall be effectual to vest such court and judge with jurisdiction to make the order for the note or notes and mortgage, and such jurisdiction shall conclusively inure to the benefit of the mortgagee, named in the mortgage, his heirs and assigns. No irregularity in the form of the proceedings shall impair or invalidate the same or the note or notes and mortgage given in pursuance thereof, and the mortgagee, his heirs and assigns, shall have and possess the same rights and remedies on the note or notes and mortgage as if it had been made by the decedent prior to his death, the minor after reaching the age of maturity, or the incompetent person when legally competent.

PROVIDED, However, That upon any foreclosure, if the proceeds of the encumbered property are insufficient to pay the note or notes and mortgage, no judgment or claim for any deficiency of such proceeds to satisfy the note or notes and mortgage, or the costs or expenses of sale, shall be had or allowed, except in cases where the note or notes and mortgage were given to pay, reduce, extend, or renew a lien or mortgage subsisting on the realty, or some part thereof, at the time of the death of the decedent, and the indebtedness secured by such lien or mortgage was an allowed and approved claim against his estate, or a lien upon the interest of the minor in said real estate at the time it vested in him, or upon the estate of the incompetent at the time the incompetency of the incompetent person was so declared by the court; and PROVIDED, also, That in cases affecting the estate of the deceased persons, the part of the indebtedness remaining unsatisfied must be classed and paid with other demands against the estate, as provided in Chapter 335 and 339 of Part 3, Title 54 of the Compiled Laws of Idaho with respect to mortgages subsisting at the time of death.

SEC. 3. To obtain an order to mortgage, pledge or hypothecate personal property the same showing shall be made as required by Section 2 of this Act relating to mortgages of real property, PROVIDED, however, That notice of such application shall be given in compliance with the provisions of Section 5495 of the Compiled Laws of Idaho, instead of as provided by Section 2 of this Act, and that such mortgages shall not be for a longer period than three years.



SEC. 4. To obtain an order to lease the realty, the proceedings to be taken and the effect thereof shall be as follows:

First. The executor, administrator, guardian of a minor or an incompetent person, or any persons interested in the estate of such decedents, minors or incompetent persons, must file a verified petition showing:

(a) The advantage or advantages that may accrue to the estate from giving a lease, and the reasons therefor.

(b) A general description of the property proposed to be leased.

(c) The term, rental, and general conditions of the proposed lease.

(d) The names of the legatees and devisees, if any, and of the heirs of the deceased, or of the minor, or of the incompetent person, so far as known to the petitioner.

Second. Upon filing such petition an order shall be made by the court or judge requiring all persons interested in the estate to appear before the court or judge, at a time and place specified, not less than two nor more than four weeks thereafter, then and there to show cause why the realty (briefly indicating it) should not be leased for the period (stating it), at the rental mentioned in the petition (stating it), and referring to the petition on file for further particulars.

Third. The order to show cause may be personally served on the persons interested in the estate at least ten days before the time appointed for hearing the petition, or it may be published for two successive weeks in a newspaper of general circulation in the county.

Fourth. At the time and place appointed to show cause, or at such other time and place to which the hearing may be postponed, (the power to make all needful postponements being hereby vested in the court or judge), the court or judge having first received satisfactory proof of personal service or publication of the order to show cause, must proceed to hear the petition, and any objection that may have been filed or presented thereto. Upon such hearing witnesses may be compelled to attend and testify in the same manner and with like effect as in other cases, and the court may, in its discretion, appoint one or more, not exceeding three, disinterested persons to appraise the rental value of the premises, and direct that a reasonable compensation for the services, not exceeding five dollars per day, be paid by

the estate. If, after a full hearing, the court or judge is satisfied that it will be for the advantage of the estate to lease the whole or any portion of the real estate, an order must be made authorizing, empowering, and directing the executor, administrator, or the guardian, to make such lease. The order may prescribe the minimum rental or royalty to be received for the premises, and the period of the lease, which must in no case be longer than for five years, and may prescribe the other terms and conditions of such lease.

Fifth. After the making of the order to lease, the executor, administrator, or guardian of a minor or of an incompetent person, shall execute, acknowledge, and deliver a lease of the premises for the term and period and with the conditions specified in the order, setting forth in the lease that it is made by authority of the order, and giving the date of such order. A certified copy of the order shall be recorded in the office of the county recorder of every county in which the leased land or any portion thereof lies.

Sixth. Every lease so made shall be effectual to demise and let, at the rent, for the term, and upon the conditions therein prescribed, the premises described therein. Jurisdiction of the court to administer the estate of the decedent, the minor, or of the incompetent person shall be effectual to vest such court and judge with jurisdiction to make the order for the lease, and such jurisdiction shall conclusively inure to the benefit of the lessee, his heirs and assigns. No omission, error, or irregularity in the proceedings shall impair or invalidate the same, or the lease made in pursuance thereof.

SEC. 5. To obtain an order to lease personal property the same showing shall be made as required by Section 4 of this Act relating to leases of real property; PROVIDED, However, That notice of such application shall be given in compliance with the provisions of Section 5495 of the Compiled Laws of Idaho, instead of as provided by Section 4 of this Act, and that such leases shall not be for a longer period than three years.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 7. WHEREAS an emergency exists therefor, this Act shall take effect immediately upon its passage and approval.

Approved March 14, 1919.



**CHAPTER 58.**

(H. B. No. 117.)

Ch. 58 Rep.  
p 38-'23L**AN ACT**

TO CREATE TWO TUBERCULOSIS HOSPITAL DISTRICTS IN THE STATE OF IDAHO, ONE IN THE NORTH AND ONE IN THE SOUTH, AND PROVIDING FUNDS FOR THE CONSTRUCTION AND OPERATION THEREIN OF TUBERCULOSIS HOSPITALS FOR THE TREATMENT OF PERSONS SUFFERING FROM TUBERCULOSIS IN SUCH DISTRICTS, AND PROVIDING FOR THE CREATION OF A STATE TUBERCULOSIS COMMISSION AND DEFINING ITS POWERS AND DUTIES, AND PROVIDING FOR ROTARY FUNDS, AND AUTHORIZING THE USE OF THEIR RECEIPTS AND INCOMES BY THE SAID DISTRICT TUBERCULOSIS HOSPITALS, AND APPROPRIATING MONEY OUT OF THE STATE TREASURY TO PAY THE ACTUAL AND NECESSARY EXPENSES OF THE STATE TUBERCULOSIS COMMISSION, ALL MONEYS EXPENDED FOR SUCH TO BE CHARGED TO THE STATE TUBERCULOSIS FUND CREATED HEREBY; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there are hereby created within the State of Idaho two Tuberculosis Hospital Districts to be known as the Northern Tuberculosis Hospital District, and the Southern Tuberculosis Hospital District, the boundaries of which shall be as follows:

The Northern District shall comprise all the territory now included within the boundaries of Bonner, Boundary, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis and Idaho Counties, and the Southern District shall comprise all the remaining area of the State of Idaho.

SEC. 2. That within thirty days after this Act becomes a law a State Tuberculosis Commission shall be created, composed of five citizens of Idaho, four members of which shall be appointed by the Governor for terms of one, two, three and four years respectively, and thereafter one member shall be appointed each year for a term of four years. Of the four members so appointed, two shall be from the Northern District, and two from the Southern District. One of said four members shall be a physician, one an educator and one a business man. The fourth member shall be chosen without regard to his vocation. Any vacancies in said Commission shall be filled by the Governor within thirty days

after the occurrence thereof by appointment for the unexpired term. Any member of said Commission may be removed by the Governor, for cause, after a public hearing has been granted. The Secretary of the State Board of Health shall be ex-officio a member of said Commission, and shall serve as Secretary of the State Tuberculosis Commission. If his office shall be abolished, the rights, powers and duties vested in him under this act shall devolve upon the officer or board authorized by law to exercise the same. Members of the State Tuberculosis Commission shall serve without pay, but shall receive their necessary and actual expenses, and are authorized to employ such clerical help as may be necessary upon presentation of vouchers covering such expenses, such expenses to be audited and paid in the same manner as the other expenses of the District Tuberculosis Hospitals from the State Tuberculosis Hospital Fund hereinafter created.

SEC. 3. The construction and equipment of said Tuberculosis Hospital Districts shall be let to the lowest and best bidder; all bids shall be submitted to the State Tuberculosis Commission. The Commission shall have the right to reject any and all bids or to let the contract for a part or all of the work. The Commission is empowered to advertise for bids at such times and in such manner as it shall deem best, and prescribe the conditions on which bids will be considered. The initial cost and expense of constructing and equipping said Tuberculosis District Hospitals shall be as nearly equal as may be.

SEC. 4. That an ad valorem tax of one-fourth of one mill on each dollar of taxable property within the State of Idaho, not exempt from taxation, shall be levied for the year 1919, and one-eighth of one mill for the year 1920, for the purpose of providing a fund for the construction, equipment, support and maintenance of the said District Tuberculosis Hospitals, which fund is hereby appropriated for said purposes. Said levy shall be based upon the assessment rolls of the various counties for the preceding year, and said tax shall be collected as other taxes for State purposes. The proceeds of said tax shall be to the State Treasurer and placed in a special fund to be known as the District Tuberculosis Hospital Fund.

Provided, that vouchers shall be presented and honored for a rotary or general expense fund for each of said District Tuberculosis Hospitals in the amounts named below, or in such larger amounts as may be deemed advisable or expedient by the State Board of Examiners:



Northern District Tuberculosis Hospital.....\$1000.  
Southern District Tuberculosis Hospital.....\$1000.

Provided, further, that the receipts and income from each of said institutions shall be dealt with in accordance with the provisions of this Act, except that the State Board of Examiners, on the application of the State Tuberculosis Commission may authorize the said receipts and income to be expended for supplies, equipment, labor or other facilities without said proceeds being deducted from the appropriation herein made for such institutions.

SEC. 5. That there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of Five Thousand Dollars to pay the actual and necessary expenses of the Members of the State Tuberculosis Commission incurred by them in the performance of their duties under this Act. The sum herein appropriated for such purpose shall be paid out by the State Treasurer upon warrants drawn against the general fund of the State, and any monies so expended shall be charged against the State Tuberculosis Fund.

SEC. 6. That the Secretary of the Commission is hereby authorized to certify all claims against the State Tuberculosis Hospital Fund to the State Board of Examiners, and the State Board of Examiners, upon the approval of such claims, shall cause the State Auditor to draw warrants for the amount of the same.

#### SEC. 7. POWERS AND DUTIES OF THE STATE TUBERCULOSIS COMMISSION.

(a) The members of the State Tuberculosis Commission shall meet on the second Monday in April, 1919, and organize by the election of a president, one or more vice presidents, and a secretary as hereinbefore provided. Such officers shall serve for one year and until their successors are elected. Said Commission shall have power to adopt rules and regulations for their own guidance. A regular meeting of the said Commission shall be held on the second Monday in April of each year, at such place as the president of the Commission shall designate, and special meetings may be held on call of the President at such times and places as he shall determine. Notice of regular and special meetings shall be given by the Secretary, in writing, at least ten days before holding the same.

(b) They shall acquire by purchase, or otherwise, real property for two District Tuberculosis Hospital sites, said sites to be high and dry, and generally favorable to the treat-

ment of tuberculosis; they shall be as near the center of the Districts as possible with due regard to suitability for the purpose, and the accessibility from all parts of the Districts, and be adjacent to some incorporated town or city, and shall consist of not less than ten acres of ground for each site; such sites shall be separate and apart from those designated for alms houses. The State Tuberculosis Commission is hereby authorized to accept in the name of the State a grant or conveyance of suitable lands for such district hospitals and any other gifts or endowments for the support thereof, and if such suitable lands cannot be secured by grant or donation, it shall have the power to purchase the same or to condemn the same in the name of the State with the approval and consent of the Governor.

(c) They shall cause plans and specifications to be made for two Tuberculosis Hospitals and all other necessary buildings; make any necessary improvements and repairs, and alter any existing building or buildings for the use of said District Tuberculosis Hospitals, but all plans shall provide for a hospital in each district of not less than fifty (50) beds for adult patients suffering from tuberculosis, and a pavillion or wing of like construction of not less than fifteen (15) beds for children suffering from tuberculosis.

(d) They shall visit each District Tuberculosis Hospital semi-annually for the purpose of inspecting all books, papers and accounts and of informing themselves as to the welfare of the patients. The two members of the State Tuberculosis Commission residing in their respective districts, shall visit and inspect the tuberculosis hospitals in their district at least every three months, and shall file their report within fifteen days thereafter with the Secretary of the Commission.

(e) They shall issue rules for the standardization of the two District Tuberculosis Hospitals, and draft forms for the Medical and Social Records of patients in the District Tuberculosis Hospitals, and install in said hospitals a uniform system of accounting.

(f) They shall employ a Medical Director for each District Tuberculosis Hospital, and shall fix his compensation and that of all other employees thereof.

(g) They shall approve or disapprove the reports of the Medical Directors within thirty (30) days after their receipt.

(h) They shall certify to the State Auditor all bills and accounts, including salaries and wages; shall certify to the



number of persons cared for in whole or in part at public expense in the District Tuberculosis Hospitals, the exact date each person was admitted, the number of hospital days each person was cared for during the preceeding six months and the county of which said person is a resident. The State Auditor shall then draw a warrant for the amount due under the provisions of this Act.

(j) They shall have the authority to fix rates, not exceeding the per capita cost of maintainance for the preceeding six months, for patients financially able to pay for treatment and all monies derived from such and other sources shall be deposited with the State Treasurer to the credit of the Tuberculosis Hospital Fund and shall be considered as a part of this fund and administered as hereinbefore provided.

(k) They may introduce, at their discretion, some suitable form of a reconstruction work, similar to that provided in government hospitals for the tuberculosis, for patients reported by the Medical Director as able to work, such measures tending to keep patients contented while under treatment, and provide them with occupations whereby they may be made economically independent after dismissal from the institution.

(l) They shall render a biennial printed report with suitable recommendations not later than December 1st to the Governor, and submit a budget for the ensuing years expenses.

#### SEC. 8. POWERS AND DUTIES OF THE MEDICAL DIRECTOR.

(a) That the Meidcal Director of each hospital shall be a legally qualified physician in good standing, with experience in tuberculosis institutional work. He shall give his entire time to this work. He shall make a careful physical examination of each patient admitted and record the result thereof, and at frequent intervals thereafter shall record the condition of each patient. He shall provide for the treatment of each patient according to his need, regardless of the patient's financial status. He shall file a quarterly report with the State Tuberculosis Commission covering the Medical phase of the hospital work and such recommendations as he deems necessary. He may be removed after a hearing by the State Tuberculosis Commission.

(b) The Medical Directors shall be Superintendent of the hospital. He shall select all necessary employees, sub-

ject to the approval of the State Tuberculosis Commission, who shall be under his direct supervision and who may be removed by him, provided he reports the same to the State Tuberculosis Commission. He shall collect and receive all monies, make a complete record of all his official acts and the official acts and business of the hospital, and make a report thereof quarterly to the State Tuberculosis Commission. He shall keep a special record of each patient admitted to the hospital on blanks provided for that purpose by the State Tuberculosis Commission. He shall admit the State Tuberculosis Commission. He shall admit the State Tuberculosis Commission and the State Board of Examiners, or their duly authorized representatives at any and all times to all parts of the building and premises, and give them access on demand to all records, reports, books, papers and accounts pertaining to the hospital. The administration of the hospital shall be under the direct supervision of the superintendent.

(c) The Medical Director shall have the authority to discharge from said hospital any patient who shall wilfully or habitually violate the rules thereof; or who is found not to have tuberculosis, or to have recovered therefrom, or who for any other reason is no longer a suitable patient for treatment therein; and shall make a full report thereof to the State Tuberculosis Commission. Any person so discharged who feels he has been unfairly dealt with shall have the right to appeal to the State Tuberculosis Commission in writing, for a hearing of his contention alleging unfair treatment, and it shall be the duty of the State Tuberculosis Commission to receive such appeal and appoint a time and place for a hearing, and said Commission shall have the authority to compel the attendance of such witnesses as are necessary for the proper consideration of the case at hand, and whose decision on the matter shall be final.

(d) The Director of each District Tuberculosis Hospital is hereby authorized and directed to collect and receive all monies properly due said hospital and issue receipts therefor on prescribed forms. He shall transmit all such monies received by him together with a detailed statement of the same to the Secretary of Tuberculosis Commission for deposit with the State Treasurer to the credit of the Tuberculosis Hospital Fund in like manner as provided for all monies properly due the State of Idaho.

SEC. 9. That any person who has resided for a period of six months in the District in which the hospital is situated,



desiring treatment in such hospital, may apply in person to the Medical Director, or to any reputable physician for examination and such physician, if he finds that said person is suffering from tuberculosis in any form, may apply to the Medical Director for his admission. Blank forms for such application which have been approved by the State Tuberculosis Commission shall be provided by each of said hospitals and shall be forwarded by the Medical Director thereof gratuitously to any reputable physician in the district. So far as possible, application for admission to the hospital shall be made upon such forms. The Medical Director of the hospital, upon receipt of such application, if it appears therefrom that the patient is suffering from tuberculosis, and if there is a vacancy therein, shall notify the applicant to appear in person at the hospital. If, upon personal examination of such patient, the Medical Director is satisfied that such person is suffering from tuberculosis, he shall admit him to the hospital as a patient. All such applications shall state whether in the judgment of the physician, the person is able to pay in whole or in part for his treatment at the hospital and every application shall be filed and recorded in a book kept for that purpose in the order of their receipt. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies therein, admission to said hospital shall be made in the order in which the names of the applicants appear upon the application book to be kept as above provided, insofar as such applicants are certified to by the Medical Director to be suffering from tuberculosis. No discrimination shall be made in the accommodation, care or treatment of any patient because of the fact that the patient or his relatives contribute to the cost of his maintenance in whole or in part, and no patient shall be permitted to pay for his maintenance in such hospital a greater sum than the average per capita cost of maintenance for the preceeding quarter, including a reasonable allowance for the interest on the cost of the hospital, and no officer or employee of such hospital shall accept from any patient thereof any fee, payment or gratuity whatsoever for his services.

Whenever a patient has been admitted to said hospital from the District in which the hospital is situated, the Medical Director shall cause inquiry to be made of the Board of County Commissioners of the county in which he resides as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives legally liable for his support are able to pay for his treatment in whole or in part, an order shall be

made directing such patient, or said relatives, to pay to the Director of the District Tuberculosis Hospital for the support of such patient, a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance for the preceeding quarter. The County Commissioners of the County in which the patient resides shall have the power and authority to collect such sum from said patient or his estate, or from his relatives legally liable for his support. If the Medical Director finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, said patient shall be admitted free of charge. Financial arrangements with patients shall be considered confidential by the State Commission and Hospital Staff.

SEC. 10. That the term Commission, used herein, shall mean the State Tuberculosis Commission. The term Northern or Southern District used herein, shall mean Northern or Southern Tuberculosis Hospital District.

SEC. 11. That this Act shall become effective and be in force from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 59.

(H. B. No. 120.)

### AN ACT

FOR THE CONSTRUCTION OF A STATE HIGHWAY BETWEEN THE TERMINALS OF STAR, IDAHO, AND McCALL, IDAHO: APPROPRIATING THE SUM OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) OR ANY PART OR PARTS THEREOF THEREFOR: AUTHORIZING THE USE AND EXPENDITURE OF SAID SUM IN THE PREPARATION OF PLANS AND SPECIFICATIONS AND THE CONSTRUCTION OF SAID HIGHWAY AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That a state highway and wagon road shall be constructed from Star, Ada County, Idaho, via Emmett, Montour, Horseshoe Bend, Gardena; Banks, Smith's Ferry, Round Valley by way of Round Valley Creed; thence to McCall, Valley County, Idaho.

SEC. 2. Said State highway shall be constructed under



the supervision of the State Highway Commission of the State of Idaho or under such officer or commission as under the statutes of the State of Idaho shall have jurisdiction over similar public improvements and the expenditure and appropriations by the Legislature of the State of Idaho, made for similar purposes; and the statutes of the State of Idaho governing the construction of similar public works shall in all matters be applicable to the construction of said highway and the expenditures of said funds.

SEC. 3. The first portion of said highway to be constructed shall be that between the eastern boundary of Gem County about four miles west from Horseshoe Bend, Boise County, Idaho, and Smith's Ferry, Valley County, Idaho, via Gardena and Banks. The Second portion of said highway to be constructed shall be that between Smith's Ferry and Round Valley, by way of Round Valley Creek. The remaining portion of said highway shall be constructed where, in the opinion of the official or officials in charge, shall be most needed.

SEC. 4. All moneys authorized to be expended under the provisions of this Act shall be paid out of the funds hereinafter appropriated, by the State Treasurer in the same manner as other funds appropriated for like purposes are paid.

SEC. 5. Construction work on said highway shall be commenced as soon as practicable and no contract for construction on said highway shall extend beyond December 1, 1920.

SEC. 6. For the purpose of carrying out the provisions of this Act and constructing the highway as herein provided and meeting and defraying the expenses thereof as hereinbefore provided, there is hereby appropriated the sum of *Seventy-five thousand Dollars (\$75,000.00)* to be paid out of the State Treasury, upon the warrant of the State Auditor and this Act shall be deemed and construed to be a specific appropriation of the sum of *Seventy-five Thousand Dollars (\$75,000.00) or any part or parts thereof* for such purpose, and no other or further appropriation Act shall be necessary in order to authorize the payment and disbursement of said sum, and it shall not be necessary that the same be included within any general appropriation bill in order to be available and payable for the purposes herein specified: *Provided, however, that the foregoing appropriation is made contingent upon cooperative funds, in equal amount, for the same purpose, to be supplied by the Federal Government, and said appropriation shall be available to the amount of such co-operation, not exceeding the sum hereinabove specified.*

SEC. 7. Whereas an emergency exists, therefor, this Act shall be in force and take effect from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 60.

(S. B. No. 134.)

### AN ACT

REGULATING THE PRACTICE OF DENTISTRY AND THE LICENSING OF DENTISTS; PRESCRIBING THE DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT IN RELATION THERETO AND PROVIDING A PENALTY FOR PRACTICING DENTISTRY IN VIOLATION OF THE PROVISIONS HEREOF; REPEALING SECTIONS 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364 AND 1365, BEING THE WHOLE OF CHAPTER 84 OF TITLE 1, OF THE COMPILED LAWS OF IDAHO; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT WITH THIS ACT; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. DENTISTRY DEFINED. Any person shall be regarded as practicing or attempting to practice dentistry, within the meaning of this chapter, who acts as manager, proprietor, or conductor of a place for performing dental operations, or who, for a fee, salary, or other reward paid to, or to be paid to him, or any other person performing dental operations of any kind, or who shall use the word "dentist" or "dental surgery" or the letters "D. D. S." or any other letter or title in connection with the practice of dentistry or dental surgery, or who shall diagnose, or profess to diagnose or examine or contract for the treatment of, or who shall treat or profess to treat, or advertise as treating any diseases or disorder or lesions of the oral cavity, teeth, gums, maxillary bones, or extract teeth, or repair or fill cavities, correct malpositions of the teeth or jaws, or supply artificial teeth as substitutes for natural teeth or administer an anaesthetic, general or local, or in any other way engage in the practice included in the curricula of recognized dental colleges; *Provided*, that nothing in this section shall prohibit a doctor of medicine, registered and licensed as such, and authorized to practice under the laws of Idaho, from performing such acts of dentistry as is expressly provided by this chapter.



**SEC. 2. LICENSE A PREREQUISITE TO PRACTICE.** It is unlawful for any person to practice dentistry unless he shall obtain a license so to do as provided in this act.

**SEC. 3. POWERS AND DUTIES OF DEPARTMENT OF LAW ENFORCEMENT IN RELATION TO PRACTICE OF DENTISTRY.** The department of law enforcement (hereinafter referred to as the department) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice dentistry; to pass upon the qualifications of applicants for reciprocal licenses.

2. To prescribe rules and regulations for a fair and wholly impartial method of examinations of candidates to practice dentistry.

3. To prescribe rules and regulations defining, for the dentists, what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputation and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college, or university, and to require satisfactory proof of the enforcement of such standard by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke licenses of persons practicing dentistry and to revoke such licenses.

6. To formulate rules and regulations when required in this act to be administered; all of said rules and regulations to be in conformity with the provisions of this act.

Except as herein provided, none of the functions and duties of the department enumerated in this act shall be exercised by the department except upon the action and report in writing of persons designated from time to time by the commissioner of law enforcement to take such action and to make such report as follows: five persons, each of whom shall be a registered, licensed, practicing dentist of the State of Idaho, a graduate of a reputable dental college or the dental department of a reputable dental college or the dental department of a reputable college or university, and a resident of this state for a period of at least five years next before his appointment, during which time he shall have been engaged in the lawful and ethical practice of den-

tistry, as defined in this act. No person shall be eligible for such duties who is in any way connected with or directly or indirectly interested in, any dental college, or the dental department of any institution of learning or who is in the dental supply business. Such persons shall be allowed their actual expenses incurred in the performance of their duties and a per diem allowance each of \$10.00 for each day of actual service.

The action or report in writing of a majority of the persons designated for the dentists shall be sufficient authority upon which the commissioner of law enforcement may act.

In making the designation of persons to act for the dentists the commissioner shall give due consideration to recommendations by members of the dentistry profession and by organizations therein.

All licenses for the practice of dentistry shall be issued by the department of law enforcement in the name of such department, with the seal thereof attached.

SEC. 4. REGISTER. The department shall keep on file a register of all applicants for license, rejected applicants and licensees.

SEC. 5. EXAMINATIONS: APPLICATION. Any person who shall desire to begin the practice of dentistry in the State of Idaho shall file an application in his own handwriting on forms furnished by the department for an examination, which application shall state among other things, his correct name, age, place of residence, color and nationality, the name of the school or schools attended by the applicant, the date of such attendance, and whether applicant is graduated from there, and if graduated, the name and address of the school and the date of graduation. Such application must be signed by applicant under oath.

SEC. 6. SAME: QUALIFICATIONS. Each applicant must be at least twenty-one years of age, of good moral character and reputation and must show that he is a graduate, and has a diploma from a reputable dental college, or the dental department of some reputable school or university which maintains a required course of study equal to that required under this act, or shall show that the applicant has a license to practice dentistry from another state in force at the date of such examination, provided such applicant has entrance credits or credentials for his entrance in such school or college equal to those required by this state at the time said applicant entered his dental school or college, and such other information as the de-



partment may require. The department is authorized and empowered to appoint entrance examiners, whose duties it shall be to ascertain and determine by proper examination of credentials or certificates of preparation and qualification presented by such applicants, and where the applicant does not present such certificates of standing said entrance examiners shall be empowered to examine such applicants as to their literary qualifications required for entrance into any dental college or school in the State of Idaho. The method of examination for requirements for entrance shall from time to time be determined by said department. Should any applicant for entrance misrepresent his actual credits to which he may be entitled, or shall receive any certificate which is a mis-statement as to his actual literary qualifications, he shall upon conviction be adjudged guilty of a misdemeanor and punished as provided for in this act and any person who assists any applicant to misrepresent or fraudulently obtain any certificate or writing showing credits to which said applicant is not entitled shall likewise upon conviction thereof be adjudged guilty of a misdemeanor.

SEC. 7. SAME: CONDUCT OF. All examinations for registration may be written or clinical, or both, and of such character as to thoroughly test the qualifications of the applicant to practice dentistry or dental surgery. All examinations shall include the following subjects: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, dental metallurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia and oral surgery and hygiene, and such other kindred subjects or matters as may from time to time be deemed necessary and proper by the department. No person shall be eligible to registration as one competent to practice dentistry in this state unless the applicant in his examination shall make an average grade of seventy-five per cent in the subjects for examination required by this act; it shall be the duty of said department to make careful investigations as to the moral standing of the applicant; the department may in its discretion refuse to grant a certificate of registration to any person found guilty of making any false statement with intent to mislead said department or any member thereof, or who shall cheat, or attempt to cheat, or deceive said department or any member thereof, either in application for certificate of registration, or in taking said examinations, or in procuring a license. If the applicant shall pass a satisfactory examination and shall show to the department that he is a person of good moral

character and in the opinion of the department shall possess the qualifications required by this act to entitle him to registration as herein provided, then the department shall issue to such applicant a certificate of registration; said certificate shall show that the applicant has passed all requirements of the department and has been registered as a person who is competent to practice dentistry in this state.

SEC. 8. SAME: RE-EXAMINATION AFTER FAILURE. Should any applicant fail to make the required grade as herein provided and by reason thereof should fail to be entitled to registration as provided in this act, then such person may, upon request to the department, be entitled to another examination, which shall be held at such time as the department may determine.

SEC. 9. RECORDING CERTIFICATE. After receiving a certificate of registration, the person receiving the same shall file for record such certificate with the recorder of the county or counties in which he desires to practice dentistry, and shall have the same recorded in a book provided therefor. The county recorder shall charge for recording such certificate a fee of \$1.00.

SEC. 10. LICENSES. If an applicant shall have received the certificate of registration and the same has been duly recorded with the county recorder as provided in this act, then upon request such applicant shall be entitled to a license authorizing the applicant to practice dentistry and dental surgery in the State of Idaho. All licenses to practice dentistry shall recite in appropriate terms this act; and all licenses so issued shall expire on the 31st day of March of each year; all persons who practice dentistry or dental surgery within the meaning of this act are entitled to renew and shall renew their licenses on or before the 31st day of March of each year for the year beginning on the 1st day of April for each calendar year; persons desiring a license to practice dentistry shall make application to the department therefor. Upon receiving the license or a renewal license to practice dentistry in this State the licensee therein named shall not be authorized to practice dentistry thereunder unless such licensee shall have displayed, in a conspicuous place in the operating room of the office where the licensee practices or offers to practice dentistry or dental surgery, such license.

SEC. 11. NAME PLATE. Any person shall, before attempting to practice dentistry or before holding himself out as practicing dentist, have a name plate prepared and placed in a conspicuous place on the outer door of the office



wherein the licensee practices or offers to practice dentistry, which name plate shall be in plain English letters giving the name of the licensee as it is written in said certificate of registration and license; the letters on said name plate shall be not less than two (2) inches high.

SEC. 12. FAILURE TO RECORD CERTIFICATE. Should any person fail, neglect or refuse to file and record his certificate of registration, issued under the provisions of this act, with the recorder of the county in the county in which said person had his office, for the space of six months after the same is issued such failure shall work a forfeiture of such certificate of registration and if the same be presented to the recorder of any county at any time after six months from the date of any such certificate of registration, the same shall not be filed, recorded or certified by the county recorder of any county of this State; *Provided*, that after said certificate of registration has been filed, recorded and certified, as herein provided, in the county in which the person therein named has his office, and such person desires to practice dentistry in any other county in this State, then such person shall thereafter file, and have recorded by the county recorder in such other county his certificate of registration before he shall practice or offer to practice dentistry in such other county. If a certificate of registration is once forfeited for failure to comply with this chapter, then the person therein named may obtain a new certificate of registration only upon his making application therefor and by paying a fee of twenty-five dollars (\$25.00), *Provided*, the applicant is entitled at the time of receiving such renewed certificate of registration to receive and hold the same; *Provided further*, that if a certificate of registration be revoked a second time, the person therein named shall not be entitled to receive a renewal certificate of registration at any time thereafter; *Provided further*, that the department shall not have power to issue a license to practice dentistry to any person whose certificate of registration has been forfeited under any provisions of this act.

SECTION 13. FEES. Each applicant shall remit a fee of \$25.00 with his application. Upon application for re-examination after failure in a former examination each applicant shall remit a fee of \$10.00. The request of each applicant for a license and for each renewal license shall be accompanied by a fee of \$1.00. The payment of fees herein provided is a condition precedent to the performance of any acts by the department.

SECTION 14. USE OF TRADE NAME PROHIBITED. It shall be unlawful for any person or persons to practice, or offer to practice or to hold themselves out as practicing dentistry or dental surgery under any name except his own proper name, which shall be the name used in his certificate of registration as a dentist and in the license granted to him as a dentist, as provided for in this article. It shall be unlawful for any person or persons in this state to use the name of any company, association, corporation, trade name or business name, or to operate, manage or be employed in any room or rooms or office where dental work is done or contracted for, or advertised to be done, or where salaried solicitors are employed, under the name of any company, association, corporation, trade name or business name. Any person or persons practicing or advertising as practicing, dentistry or dental surgery, shall practice and advertise to practice same only under his own proper name as is stated in the certificate of registration and license issued under the provisions of this act. Any person violating the provisions of this section shall on conviction be adjudged guilty of a misdemeanor and be punished according to the provisions of this act.

SECTION 15. REVOCATION OF LICENSE. Every license or certificate of registration issued under the provisions of this act shall be subject to revocation of the department upon any of the following grounds:

(1) Fraud or deception in procuring a license or certificate of registration.

(2) Practicing dentistry under a false or assumed name or advertising either by sign or private advertisement or in any other manner under the name of a corporation, company, association, parlor or trade name.

(3) Conviction for any criminal operation or misdemeanor or felony, or chronic or persistent inebriety or extended drunkenness or confirmed drug habit.

(4) Publication or circulation by letters, circulars, newspapers, cards, signs, bill boards, posters, window lettering or advertising in any other manner with the view of deceiving or defrauding the public, or the using or advertising as using any drug, medicines, material, formula, system or anæsthetic which is either falsely advertised, misnamed or not in realty used.

(5) Advertising in any manner definite, fixed prices for dental operations or dental restorations or other dental



work, or advertising personal superiority or ability to perform services in a superior or unusual manner.

(6) If any licensee or registered dentist shall employ or permit any person, not regularly registered and licensed to practice dentistry, to practice the same in the office or under the control or direction of such licensed or registered dentist.

(7) The failure, neglect or refusal to keep his office and dental equipment in a thoroughly clean and sanitary condition.

(8) The failure for a period of six months after the 31st day of March in each year hereafter to procure a renewal license as provided in this act.

(9) The violation of any of the provisions of this act.

In prescribing procedure for the determination of the truth or falsity of any charge against a licensee, having for its purpose the revocation of his license or certificate of registration, the accused shall in every case have reasonable notice of, and opportunity to appear and be heard at any hearing thereof; and the department, upon written complaint by any licensed dentist, shall use reasonable means to establish the truth or falsity of such charge and for that purpose may make such expenditures as are necessary.

#### SECTION 16. DENTISTS IN OTHER STATES REMOVING TO THIS STATE: HOW LICENSED.

Any dentist who had been lawfully licensed to practice in another state, having maintained a standard of proficiency equal with that now maintained in this state under the provisions of this act, and who has been lawfully and continuously engaged in the practice of dentistry for five years or more next before the filing of his application, and is desirous of removing to this state, and shall deposit with the department a duly attested certificate from the dental board of the state in which he is registered, certifying to the fact of his registration, and that he is a person of good moral character and professional attainments, and upon payment of a fee of twenty-five dollars (\$25.00) may, at the discretion of the department upon satisfactory practical examination demonstrating his proficiency, be registered as a dentist, and be granted a license to practice dentistry in this State without further theoretical examination; *Provided*, that no one shall be registered or licensed unless the state issuing the certificate to such applicant shall have extended a like privilege to engage in the practice of den-

tistry within its own borders to dentists heretofore and hereafter licensed by this State and removing to such other state.

SECTION 17. FIVE YEARS' PRACTICE ENTITLED TO LICENSE; WHEN. Any person of good moral character who is a legally registered and practicing dentist of this State, and has been for a period of five years preceding his application for a certificate, hereinafter described, and who is known to the department as such, shall upon application to said department and the payment of a fee of five dollars (\$5.00) be entitled to receive a certificate which certificate shall set out that the holder thereof is a person who has been duly registered and licensed to practice dentistry in the State of Idaho; that he is a person of good moral character and professional attainments, and an ethical practitioner of dentistry of this State; that he has been engaged in the practice of dentistry continuously for five years prior to his application for a certificate; and that he intends, at the time of his application for a certificate, to engage in the practice of dentistry in the State other than Idaho; all of which facts shall be shown to and found by the department to be sufficient before any certificate herein provided for is issued; *provided, further*, that the refusal of any state or of its appropriate officers to fully honor such certificate shall constitute a forfeiture by such state of all courtesies and privileges so extended under this Act.

SECTION 18. DENTAL COLLEGES: REQUIREMENTS. No dental college or dental institution shall be considered reputable unless the same shall possess the following qualifications and maintain a course of study, lectures, apparatus and instruction as herein provided, and such other reasonable requirements as the department from time to time may make.

First—It shall be chartered under the laws of the State in which it is located and operated, and shall be authorized by its charter to confer the degree of "Doctor of Dental Surgery" or "Doctor of Medical Dentistry."

Second—It shall deliver annually a full course of lectures or instruction by a competent faculty or corps of instructors on the following subjects: Anatomy, chemistry, physiology, histology, materia medica, therapeutics, dental metalurgy, pathology, bacteriology, operative dentistry, prosthetic dentistry, crown and bridge work, orthodontia, oral surgery, oral hygiene, and the administration of anæsthetics, and such other kindred subjects as said department may from time to time approve. Said courses of instruction



shall consist of not less than four terms in four separate academic years and of not less than thirty-two (32) weeks of at least five and one half ( $5\frac{1}{2}$ ) days each for each term, this not to affect students in attendance at dental school prior to the passage of this act.

Third—It shall possess apparatus and equipment adequate and sufficient for the ready and full teaching of the above named subjects.

SECTION 19. Physicians and Surgeons. Nothing in this act shall prevent a legally qualified and licensed physician or surgeon, unless he practice dentistry as a specialty, from extracting teeth, or a legal practitioner of another state from making a clinical demonstration before a dental society, or at a convention, nor shall this Act prevent students from practicing or performing dental operations under the supervision of competent instructors in any dental college or dental department of any school or university recognized by the department.

SECTION 20. DENTISTS EXEMPT FROM JURY SERVICE. All persons licensed and registered as dentists in this State under the provisions of this act shall be exempt from service as jurors in any court of this State.

SECTION 21. VIOLATION: PENALTY. Any person who shall practice, or attempt to practice, dentistry or dental surgery within the State of Idaho, without having been registered and licensed for that purpose, or during the period of revocation of his license or registration, or who shall violate any of the provisions of this act, shall upon conviction thereof, be adjudged guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or shall be imprisoned in the county jail not less than one month nor more than six months, or shall be punished by both fine and imprisonment. Each act of practice or attempt to practice dentistry as defined in this act shall be deemed a separate offense within the meaning of this act.

SECTION 22. That Sections 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364 and 1365, being the whole of Chapter 84 of Title 1, of the Compiled Laws of Idaho, be and the same are hereby repealed.

SECTION 23. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 24. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 14, 1919.

**CHAPTER 61.**

(H. B. No. 138.)

**AN ACT**

AMENDING SECTIONS 2414 AND 2414a OF THE COMPILED LAWS OF IDAHO AND ADDING EIGHT NEW SECTIONS TO BE NUMBERED 2414b, 2414c, 2414d, 2414e, 2414f, 2414g, 2414h, AND 2414i OF THE COMPILED LAWS RELATING TO THE SALE OF DELINQUENT ASSESSMENTS IN IRRIGATION DISTRICTS; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2414 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Section 2414. During the first seven days of August the treasurer must commence to publish the delinquent list, and the publication shall continue *three* weeks and must contain the names of the persons, a description of the property delinquent at the time, the amount of the assessment and penalties, and the cost due, opposite each name and description. After said publication shall have been made for the first time the treasurer shall collect twenty-five cents additional to the assessment and penalties on each description of land published. The treasurer must append and publish with the delinquent list a notice that unless the assessments delinquent, together with the penalties and costs are paid, the real property upon which said assessments are made shall be sold at public auction at a time and place therein specified. The publication must be made in some newspaper published in the district, if it can be so published, and if it cannot be so published, then in some newspaper published in the county in which the office of *the board of directors* is situated, and if it cannot be so published, then by posting in not less than three public places in said district, one of which shall be at the door of the office of said board of directors. The time of said sale shall be fixed for the first Tuesday in September, and the place shall be at the office of said board of *directors*. The Treasurer as soon as he has made the publication required must file with the secretary proof of such publication by affidavit, and like proof of posting in case such notice was posted, as herein required.

SECTION 2. That section 2414a of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:



Section 2414a. The treasurer must attend at the time and place specified in the notice and conduct the sale. *On the day fixed for the sale, or some subsequent date to which he may have postponed it, of which he must give notice as in this section provided, the treasurer, between the hours of 2:00 P. M., and 3:00 P. M., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically or in numerical order of the lots and blocks until completed, and the district shall become the purchaser if it so desires, in preference to any other purchaser. The treasurer may postpone the day of commencing the sale by public notice on the day and at the time and place fixed for the sale in the original or any aforesaid published notice thereof, and he may adjourn the sale from day to day by public announcement of such adjournment made at the time and place for such adjourned sale, but the sale must be completed within five days from the day first fixed.*

SECTION 3. That *eight* new sections are hereby added to the Compiled Laws of Idaho, to be numbered 2414b, 2414c, 2414d, 2414e, 2414f, 2414g, 2414h, 2414i, and reading as follows:

Section 2414b. The person who offers to pay the amount due on the lands embraced in any one assessment for the smallest portion of the same is to be considered the highest bidder. But in case there is no purchaser in good faith for a portion less than the whole of the property embraced in any one assessment, the treasurer may sell all the property described in any one assessment as a single parcel, and if there is no purchaser on the first day the property is offered it shall be reoffered before the sale is closed; then when the property is offered thereafter for sale and there is no purchaser for a smaller portion than the whole amount embraced in any one assessment, the property described in any one assessment shall be struck off to the irrigation district or the purchaser, and the treasurer shall execute the certificate of sale in triplicate, the original of which shall be delivered to the purchaser, or in case the district is the purchaser, to the secretary of the district, and filed by him, and one of the duplicates of the tax sale certificate shall be delivered to the secretary of the district and filed by him in his office, and the other duplicate tax certificate shall be filed by the treasurer with the county recorder of the county within which the land lies. No charge shall be made for the certificate where the district is the purchaser and in such case the treasurer shall make an entry "sold to the

district" on the list opposite the assessment, and he shall be credited with the amount thereof in his settlement: *Provided*, the original and a duplicate certificate has been filed with the secretary, and a duplicate certificate filed with the county recorder. The treasurer must retain in the office a list of the property sold, stating the name of the owner as appears by the assessment roll, amount for which sold, and the date of sale.

Section 2414*c*. Any irrigation district as a purchaser of any lands at any delinquent tax sale shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the right of redemption herein provided, may be conveyed by deed executed and acknowledged by the president and secretary of the board; *Provided*, that authority to so convey must be conferred by resolution of the board entered on its minutes.

Section 2414*d*. Any delinquent certificate issued in accordance with the provisions of this law shall constitute a lien in favor of the owner thereof for all assessments, penalties and interest thereon mentioned and the property therein described, and shall entitle the owner to a tax deed for such property in the manner provided for by this law. Such delinquent certificate shall further constitute prima facie evidence in any legal proceedings in which it may lawfully be used, that the property described therein was subject to assessment at the time the same was assessed; that said property was assessed according to law; that the assessments levied on such property and penalty added to such assessments were levied and added according to law.

Section 2414*e*. Upon redemption from tax sales of the property described in any delinquent certificate, the secretary shall, if the certificate is owned by the district, stamp the original and the duplicate of such certificate "redeemed" upon delivery to him of the duplicate treasurer's receipt of the amount paid into the district treasury on account of such redemption, and shall deliver the original delinquency certificate to the redemptioner. If such certificate has been assigned, or in case the district is not the purchaser, the secretary shall stamp the duplicate certificate "redeemed" upon delivery to him of the duplicate treasurer's receipt of the amount paid into the district treasury on account of such redemption, and the county recorder shall stamp on the tax sale certificate "redeemed" upon delivery to him of the duplicate treasurer's receipt, and shall also stamp on the list of sales on file in his office the word "redeemed". The district shall also be required to furnish the said officers



with a convenient book in which may be filed the certificate of sale and redemption receipts as herein provided, and each duplicate tax certificate so delivered to and filed with the recorder of the county shall for all purposes for which necessary in connection with the lien upon or title to any real estate, be considered filed with and a part of the records of the county recorder.

Section 2414*f*. On filing the tax certificate with the recorder the title vests in the purchaser, and is only divested by the payment to the treasurer for the use of the purchaser of the whole amount of money paid for such certificate, together with penalties and interest, as in this law provided.

Section 2414*g*. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

1. The property was assessed as required by law;
2. The property was equalized as required by law;
3. The assessments were levied in accordance with law;
4. The assessments were not paid;
5. At a proper time and place the property was sold as prescribed by law, and by the proper officer;
6. The property was not redeemed;
7. The person who executed the deed was the proper officer;
8. The real estate belonged to the person liable to pay the assessment.

Section 2414*h*. Such deed duly acknowledged and proved, is prima facie evidence of the regularity of all other proceedings, from the assessment by the secretary inclusive, up to the execution of the deed.

Section 2414*i*. The assessment book or delinquent list or copy thereof certified by the secretary or treasurer, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount of assessments due and unpaid, and that all forms of law in relation to the assessment and levy of such assessment have been complied with.

SECTION 4. Whereas an emergency exists therefor, this Act shall be in force from and after its passage and approval.

Approved March 14, 1919.

**CHAPTER 62.**

(S. B. No. 184.)

**AN ACT**

AMENDING SECTION 936 OF CHAPTER 57 OF THE COMPILED LAWS, PROVIDING FOR THE CONSTRUCTION AND REPAIR OF BRIDGES AND CONSTRUCTION, REPAIR AND MAINTENANCE OF FERRIES ON DIVISION LINES, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 936 of Chapter 57 of the Compiled Laws is amended to read as follows:

"936. CONSTRUCTION AND REPAIR OF BRIDGES AND FERRIES ON DIVISION LINE. Whenever it shall appear to be to the best interests of the counties concerned to build or repair bridges *or to build, repair or operate ferries* over streams which divide such counties or divide a county and a highway district or divide highway districts, or on roads on county lines, it shall be lawful for the commissioners of such adjoining counties to enter into a joint contract for the purpose of building or repairing such bridge or of *building, repairing or operating such ferry*, and, for such purpose, to enter into contracts with highway districts either in their own or an adjoining county. The \* \* expense of building, \* repairing *or operating* shall be a legal claim against and be paid by each of said adjoining counties or highway districts *in the proportion that the assessed valuation thereof bears to the total assessed valuation of both*. All public bridges *and ferries* not otherwise specially provided for are maintained by the county at large in the same manner as highways, and under the management and control of the road overseer and board of commissioners. The expense of maintaining and repairing the same is primarily payable out of the road fund in the hands of the county treasurer, and from road poll taxes. Highway districts shall have all the rights and powers and be subject to all the obligations of counties granted or imposed by this section, and in the exercise thereof may contract with counties or other highway districts in relation to the building and repair of bridges."

SEC. 2. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1919.



**CHAPTER 63.**

(H. B. No. 207.)

**AN ACT**

TO PROVIDE FOR THE PREPARATION AND INDEXING FOR,  
AND THE PRINTING AND DISTRIBUTION OF THE COM-  
PILED LAWS OF THE STATE OF IDAHO, AND DECLAR-  
ING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The clerk of the supreme court of the State of Idaho is hereby authorized and empowered to prepare a general index for the compiled laws of the State of Idaho to be included in each volume thereof. Said clerk of the supreme court shall receive for his services in preparing said index the sum of *One Thousand Five Hundred Dollars (\$1,500.00)*. Said clerk is empowered and authorized to employ such clerical assistance as may be necessary at an expense not to exceed Two Hundred and Fifty Dollars, (\$250.00). To incorporate into the Compiled Laws of the state of Idaho of 1919 all laws in force of a permanent and general nature, including the laws of the fifteenth session; excluding the titles and enacting clauses, and other formal and unnecessary parts, and all laws and parts of laws repealed, or of a temporary nature. To number and arrange sections and titles of chapters and to make such new sections, titles and chapters headings, as may be expedient or necessary in order to incorporate into such compilation all the laws of a permanent and general character not now contained in the Compiled Laws of 1919, in such manner as will retain as near as may be the present general arrangement of the Compiled Laws. Said compilation shall be certified by the secretary of state, as having been published by authority, and may be cited and referred to as the Compiled Statutes of Idaho, and as such shall be received by all courts and judges thereof, and all public officers, and in all proceedings in all departments of the state government, and all subdivisions thereof, as evidence of the statute law of the state of Idaho, and may be cited and referred to as the Compiled Statutes. To incorporate into the Compiled Laws of the State of Idaho of 1919 all laws in force of a permanent and general nature, including the laws of the fifteenth session; excluding the titles and enacting clauses, and other formal and necessary parts, and all laws and parts of laws repealed, or of a temporary nature. To number and arrange sections and titles of chapters, and to make such new sections, titles and chapter headings, as may

be expedient or necessary in order to incorporate into such compilation all the laws of a permanent and general character not now contained in the Compiled Laws of 1919, in such manner as will retain as near as may be the present general arrangement of the Compiled Laws. Said compilation shall be certified by the Secretary of State, as having been published by authority, and may be cited and referred to as the Compiled Statutes of Idaho, and as such shall be received by all courts and judges thereof, and all public officers, and in all proceedings in all departments of state government, and all sub-divisions thereof, as evidence of the statute law of the state of Idaho, and may be cited and referred to as the Compiled Statutes.

SECTION 2. The Secretary of State is hereby empowered and directed to cause to be published 3,000 certified copies of the compiled laws of Idaho, said compiled laws to be bound in law buckram, of three volumes at a price not to exceed four dollars (\$4.00) per volume, and to mark the same, except those for members of the Legislature and for exchange as hereinafter provided, with the following: "This book is the property of the State of Idaho, and to be delivered to the successor in office", and to distribute the same as follows: one copy to each member of the legislature; one copy to each justice of the supreme court; one copy to each district judge; one copy to the clerk of the supreme court; two copies for the supreme court room at Boise; two copies for the supreme court room at Lewiston; two copies for the supreme court room at Pocatello; two copies for the supreme court room at Coeur d'Alene; one copy for the district court room of each county of the state; one copy for each state officer; one copy to each county officer; one copy to each justice of the peace in the state; six copies to the State Library of Boise; six copies to the State Library at Lewiston; six copies to the State Library at Pocatello; one copy to each state institution of state of Idaho, all the said copies when so distributed to be and remain the property of the state and to be delivered by the officers by whom they are received to their successors in office; two hundred copies to the state library at Boise, and one hundred copies to the Law Department of the University of Idaho at Moscow, for exchange with other states, territories, and other countries. The remaining copies thereof shall be retained by the Secretary of State for the use of the state.

SECTION 3. The said compiled laws shall be sold by the publishers thereof to the inhabitants of the State of Idaho



at a uniform price not to exceed Fifteen Dollars (\$15.00) per set.

SECTION 4. Every justice of the peace, when retiring from office, shall deliver the set of compiled laws received by him to his successor in office, if any, and if none, then to the County Auditor. And in his final report to the Board of County Commissioners accompany said report by a receipt in writing, showing such delivery.

SECTION 5. There is hereby appropriated to carry out the provisions of this act the sum of Twenty-five Thousand Dollars (\$25,000) or as much thereof as may be necessary, out of any moneys in the state treasury not otherwise appropriated.

SECTION 6. The index herein provided and the preparing of said codes to be completed within four months after the said act shall take effect.

SECTION 7. Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 64.

(H. B. No. 209.)

### AN ACT

REGULATING THE PRACTICE OF CIVIL ENGINEERING, PROVIDING A STANDARD OF QUALIFICATIONS AND PROVIDING FOR A CERTIFICATE OF REGISTRATION OF CIVIL ENGINEERS: PRESCRIBING THE DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT IN RELATION THERETO, PROVIDING PENALTIES FOR THE VIOLATION HEREOF AND PRESCRIBING THE TIME OF TAKING EFFECT OF THIS ACT.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. *Regulation of civil engineering.* The practice of civil engineering in this state is subject to the regulations prescribed in this act.

SECTION 2. *Civil engineering defined.* Civil engineering, within the meaning of this act, is the practice of any branch of the profession of engineering other than mining, metallurgical and military. Said profession embraces the design and supervision of the construction of all public or

private utilities except those in connection with mining operations exclusively, and other works which require experience, and the same technical knowledge as engineering schools of recognized reputation prescribe for graduation.

SECTION 3. *Powers and duties of department of law enforcement in relation to practice of civil engineering.* The department of law enforcement (hereinafter referred to as the department) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice civil engineering; to pass upon the qualifications of applicants for reciprocal registration from other states.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice civil engineering.

3. To prescribe rules and regulations defining, for civil engineers what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputation and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations. The requirements of the University of the State of Idaho for the degree of Civil Engineer are hereby adopted as the standard in determining such rules.

4. To conduct hearings on proceedings to revoke certificates of registration of persons practicing civil engineering and to revoke such certificates of registration.

5. To formulate rules and regulations when required in any act to be administered.

Except as to the registration of persons authorized to continue the practice of civil engineering without examination under the provisions of section 7a hereof, none of the above enumerated functions and duties shall be exercised by the department except upon the action and report in writing of persons designated from time to time by the commissioner of law enforcement to take such action and to make such report as follows:

Seven persons each of whom shall be a registered civil engineer, a resident of this state for at least one year immediately preceding his designation, who shall have had at least 10 years' active practice, shall be of recognized standing in the profession. Such persons shall be allowed a per diem allowance of \$5.00 for each day of actual service and



mileage of 10 cents per mile one way for all distances necessarily traveled in the performance of their duties.

The action or report in writing of a majority of the persons designated for the civil engineers shall be sufficient authority upon which the commissioner of law enforcement may act.

In making the designation of persons to act for the civil engineers the commissioner shall give due consideration to recommendations by members of the civil engineering profession and by organizations therein.

Whenever the commissioner is satisfied that substantial justice has not been done either in an examination or in the revocation of a certificate of registration to practice civil engineering he may order re-examination or rehearing by the same or other examiners.

All certificates of registration for the practice of civil engineering shall be issued by the department of law enforcement in the name of such department, with the seal thereof attached.

SECTION 4. *Register.* The department shall keep on file a register of all applicants for certificates of registration, rejected applicants, and registered civil engineers.

SECTION 5. *Fees.* The department is authorized to charge every applicant residing in Idaho for a certificate of registration, whether required to take an examination or not, a fee of \$10. In the case of applicants registered or licensed elsewhere the fee shall be \$25.00.

SECTION 6. *Application for Certificate of Registration.* Application for a certificate of registration shall be made in writing under oath at such time, in such form and accompanied by such proof of the applicant's fitness to practice as the department may from time to time prescribe.

SECTION 7. *Prerequisite qualifications of applicants.* Every applicant for a certificate of registration to practice civil engineering shall be a person of good character, more than 21 years of age, have been actually engaged in civil engineering work as assistant or otherwise for at least six years or shall be a graduate from a school of engineering of recognized reputation.

SECTION 8. *Regulation of civil engineers now practicing.* Any person who has the qualifications prescribed in section 7 and who has been actively engaged in the practice of his profession in the State of Idaho for a period of one year prior to the taking effect of this Act and who subscribes to

an oath to support the constitution of the state and of the United States and to faithfully discharge the duties of civil engineer shall be granted a certificate of registration without examination; *Provided*, That after the expiration of one year, certificates of registration shall not be granted except as hereinafter provided. And provided further, That soldiers who were practicing said profession before enlistment may be considered as practicing prior to the taking effect of this act.

SECTION 9. *Applicants registered or licensed elsewhere.* Any person who is registered or licensed to practice civil engineering under the laws of another state whose minimum requirements are not less than prescribed in this state, may, in the discretion of the department, be granted a certificate of registration without examination. A civil engineer resident in a state which does not provide for the registration or licensing of civil engineers, may, upon presentation of satisfactory evidence that he is qualified as prescribed in section 7 hereof and has practiced civil engineering for an additional period of not less than four years immediately preceding his application, be granted a certificate of registration without examination.

SECTION 10. *Examinations.* The scope of the examinations and the method of procedure shall be prescribed by the department. If a candidate fails on first examination, he may, after an interval of not less than six months nor more than one year, have a second examination without additional fee.

SECTION 11. *Revocation of certificates of registration.* Every certificate of registration issued under the provisions of this act shall be subject to revocation by the department upon any of the following grounds:

1. Fraud or deception in procuring the certificate of registration.
2. Fraud or deception in practice.
3. Conviction of a felony.

In prescribing procedure for the determination of the truth or falsity of any charge against a registered civil engineer having for its purpose the revocation of his certificate of registration the accused person shall in every case have reasonable notice of and opportunity to appear and be heard at any hearing thereon.

SECTION 12. *Official authentication of maps.* No map, plan or drawing required by law to be certified or approved



by a civil engineer shall be accepted or filed by state, county, or municipal authority, unless the certification or approval is executed by a person duly registered in accordance with the provisions of this act.

SECTION 13. *Penalties.* Any person who unlawfully practices or attempts to practice civil engineering, who publicly advertises as a civil engineer, or who uses in connection with his name any designation tending to imply or designate him as a practitioner of civil engineering within the meaning of this act, or any person who shall have violated the provisions of this act, shall be deemed guilty of a misdemeanor.

Any person presenting, or attempting to file as his own, the certificate of registration of another, or who shall give either false or forged evidence of any kind to the department in connection with an application for a certificate of registration to practice civil engineering, or who shall practice civil engineering under a false or assumed name, or who shall falsely impersonate another practitioner of a like or different name, shall be guilty of a felony.

SECTION 14. *Exceptions.* This act shall not apply to engineers working for the United States government; nor to an engineer employed as an assistant to an engineer registered to practice civil engineering in the state of Idaho; nor to nonresident engineers who come into this state for consultation, collecting information or to give expert testimony in court.

SECTION 15. This act shall be in force and effect from and after the 1st day of May, 1919.

Approved March 14, 1919.

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## CHAPTER 65.

(H. B. No. 214.)

### AN ACT

TO PROVIDE FOR THE ESTABLISHMENT OF A FISH AND GAME BUREAU IN THE DEPARTMENT OF LAW ENFORCEMENT UNDER THE SUPERVISION OF A FISH AND GAME WARDEN, PROVIDING FOR THE APPOINTMENT OF HIS ASSISTANTS AND DEPUTIES, DEFINING THE DUTIES AND FIXING THE COMPENSATION OF THE FISH AND GAME WARDEN AND HIS ASSISTANTS AND DEPUTIES; TO PROVIDE A SYSTEM OF LICENSE FOR FISH-

ING AND HUNTING AND A SYSTEM OF PERMITS FOR SHIPPING GAME AND FISH, AND DEFINING THE DUTIES OF CERTAIN OFFICERS AS TO SUCH LICENSES AND PERMITS; ALSO TO PROVIDE FOR THE PRESERVATION, PROTECTION, DISTRIBUTION AND PROPAGATION OF FISH AND GAME; TO PROVIDE FOR THE ESTABLISHMENT, CONSTRUCTION, MAINTENANCE AND OPERATION OF STATE FISH HATCHERIES AND THE DISTRIBUTION OF FRY TO VARIOUS WATERS OF THE STATE OF IDAHO; TO PROVIDE FOR SUPERINTENDENTS AND ASSISTANTS FOR SUCH HATCHERIES; TO PROVIDE FOR PRIVATE GAME AND FISH PARKS AND PONDS AND THE ISSUING OF PERMITS FOR TAKING, SELLING, STORING AND THE TRANSPORTATION OF CERTAIN FISH; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT AND TO APPROPRIATE MONEY TO CARRY OUT THE PROVISIONS OF THIS ACT AND TO REPEAL ALL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

#### FISH AND GAME BUREAU.

SECTION 1. A fish and game bureau is hereby established in the department of law enforcement to be under the immediate direction of the fish and game warden.

#### AMOUNT OF BOND.

SEC. 2. Before entering upon his duties the State Fish and Game Warden shall execute a bond to the State of Idaho in the penal sum of Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of his duties, and his bond shall be approved by the Governor.

#### WARDEN CAN MAKE ARRESTS.

SEC. 3. The State Fish and Game Warden is hereby authorized to arrest with or without warrant, any person or persons found violating any of the provisions of the Fish and Game Law, when detected in the act, or found with fish or game unlawfully in their possession at the time of their arrest.

#### MUST MAKE REPORTS.

SEC. 4. The State Fish and Game Warden shall be an active executive officer, and shall at all times take the field in person in the performance of his duties when possible, and shall personally supervise the protection of all fish and game protected under this Act, and be energetic in the de-



tection and punishment of the violators of the fish and game laws, and shall make an annual report to the Governor and a biennial report to the Legislature of the doings and conditions of his office, which report shall be made during the first week of the regular session of the Legislature.

#### MAY CAPTURE FISH AND GAME.

SEC. 5. It shall be lawful for the State Fish and Game Warden or any person appointed by him in writing to do so, to take fish and game of any kind, dead or alive, or import the same, in any manner under the direction of the State Fish and Game Warden, for the purposes of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game industry of the State. He shall make a detailed report of his official transactions, including the number and kinds of fish distributed and the locality and names of streams, ponds and lakes where the same have been placed, and include same in his biennial report to the Legislature. The State Fish and Game Warden is authorized to have printed five thousand (5000) copies of the fish and game laws for free distribution.

#### APPOINTMENT OF DEPUTIES.

SEC. 6. The State Fish and Game Warden shall have the power to appoint such deputies as are necessary in the various counties of the State to properly enforce the law. He may appoint one chief deputy, and one field deputy, and as many assistant *chief* deputies (not to exceed eight (8) as he may deem necessary. All assistant chief deputies shall devote their entire time to the duties of their office, and they shall not hold any other office, nor engage in any other business, or occupation. The Chief Deputy, field deputy, and each of the assistant chief deputies shall execute to the State of Idaho a bond in the sum of Three Thousand Dollars (\$3,000.00) conditioned upon the faithful performance of their duties, and each of the other deputies appointed under this act shall execute a bond to the State of Idaho in the sum of Five Hundred Dollars (\$500.00) conditioned in like manner, and all of such officers shall have the same power to make arrests as the State Fish and Game Warden, and shall have the power to perform the duties of their office in any district of the State.

The State Fish and Game Warden shall file with the Governor of the State, and the Commissioner of Law Enforcement, a list of all such officers appointed by him, and said officers so appointed by the State Fish and Game Warden

shall be subject to removal by him at any time. He further shall have the power to appoint one chief clerk and such additional clerks as may be necessary to perform the clerical duties devolving upon his department. Said chief clerk shall execute a bond to the State of Idaho in the penal sum of Three Thousand Dollars (\$3,000.00), conditioned on the faithful performance of his duties, and such additional clerks may be required to execute similar bonds, if deemed advisable by the State Fish and Game Warden.

#### SALARIES OF WARDENS AND CLERKS.

SEC. 7. The State Fish and Game Warden shall receive as full compensation for his salary the sum of Three Thousand Dollars (\$3,000.00) per annum, and his actual and necessary traveling expenses, not to exceed Eighteen Hundred Dollars (\$1800.00) per annum. The Chief Deputy shall receive as compensation Two Thousand Dollars (\$2000.00) per annum, and his actual and necessary traveling expenses, not to exceed Twelve Hundred Dollars (\$1200.00) per annum. The Field Deputy and each Assistant Chief Deputy shall receive Sixteen Hundred Dollars (\$1600.00) per annum, and his actual and necessary traveling expenses not to exceed One Thousand Dollars (\$1000.00) per annum. The Chief Clerk of the State Fish and Game Warden shall receive a salary of Eighteen Hundred Dollars (\$1800.00) per annum, as full compensation for his services. Each Superintendent of a fish hatchery shall receive as compensation not to exceed Twelve Hundred Dollars (\$1200.00) per annum, and each assistant shall receive a compensation of not to exceed Nine Hundred Dollars (\$900.00) per annum.

The State Fish and Game Warden, chief deputy, *field deputy*, assistant superintendents and such additional clerks as may be employed shall be paid monthly on the first day of each month out of the State Fish and Game Fund. Assistant Chief Deputies, Chief Clerk, Superintendents and assistant superintendents of hatcheries, and such other clerks as may be employed shall be paid *from the Fish and Game Fund* upon their sworn statement, which accounts shall be approved by the State Fish and Game Warden. All other deputy game wardens shall each receive as compensation the sum of One Hundred and Twenty-five Dollars (\$125.00) per month, but shall not be entitled to receive any traveling or other expenses except when sent out of his district, and such expenses shall be subject to the approval of the State Fish and Game Warden and shall be paid out of the *Fish and Game Fund*.

All bills for expenses shall be certified as to their cor-



rectness by the State Fish and Game Warden, and approved by the State Board of Examiners.

### FISH COMMISSIONER.

SEC. 8. The State Fish and Game Warden shall appoint one assistant Game Warden, in addition to those hereinbefore provided for, who shall be an experienced fish culturist and shall be known as the Fish Commissioner; he shall be superintendent of the fish hatcheries of the State, subject however, to the orders and supervision of the State Fish and Game Warden and shall hold office during the pleasure of the State Fish and Game Warden, and shall receive *from the Fish and Game* fund as full compensation for his services the sum of Twenty-four Hundred and No/100 Dollars (\$2400.00) per annum, together with his actual and necessary expenses incurred in the performance of his duties, not exceeding however, Eighteen Hundred and No/100 (\$1800.00) Dollars per annum. Before entering upon his duties he shall take and subscribe an oath of office and execute a bond to the State of Idaho in the penal sum of Three Thousand and No/100 Dollars (\$3000.00), conditioned for the faithful performance of his duties, to be approved by the State Fish and Game Warden, which bond, together with said oath shall be filed in the office of the Secretary of State.

All superintendents and assistants of fish hatcheries appointed under this Act shall devote their entire time to the duties of their office, and shall not engage in any manner whatever in the operation of any private or public fish hatchery or hatcheries other than that for which they are appointed, unless so ordered by the State Fish and Game Warden, and they shall not be entitled to have *any* holding in or own any private fish ponds, lakes or streams of this State, nor shall they engage in the selling or disposal of any fish whatever, except in the duties of their office, or as directed by the State Fish and Game Warden.

The State Fish and Game Warden shall have power, at any time when it is desired, to introduce any new species, or if at any time any species of game animals, fur bearing animals, birds or fish of the State of Idaho shall be threatened with extinction from disease, excessive shooting, angling or otherwise, to suspend any open season in any county or part of a county or in any district, lake or stream or part of a stream and make it a closed season for the shooting or angling of any such kind of species of wild game, animal, bird or fish in such county, part of county, lake, stream or part of stream, and for such time as he may

designate. During the suspension of any open season by the State Fish and Game Warden all provisions of laws relating to the closed season on such game animals, birds or fish, shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefor. Any order issued under authority hereof shall be published in at least *one* newspaper of general circulation in each county affected by such order, or in each county in which such lake, stream or parts of streams affected by the order, is situate, for at least once a week for two consecutive weeks, and such order shall be posted in such public places in each county as the State Fish and Game Warden may direct.

### FISH HATCHERIES.

SEC. 9. The State Fish and Game Warden is hereby authorized to maintain the fish hatcheries heretofore established by the State for the purpose of hatching, propagating and distributing all kinds of fish or to discontinue any of the same and to establish new ones. The State Fish and Game Warden shall have supervision over all fish culture matters of a public nature, and shall receive and provide for the care and distribution of such food fishes or ova of the same. He shall also obtain ova or fry of such fish at such places and of such variety as he may deem most suitable to the waters of this State, and shall have the same hatched at the State hatcheries and shall distribute the same in a prudent and equitable manner throughout the different waters of the State.

### PRIVATE FISH PONDS.

SEC. 10. Any person, association or corporation may establish, maintain or own a private pond, lake or stream for fish, on premises owned by him or it respectively and to that end may employ means to preserve and propagate such fish and it shall be a misdemeanor to trespass thereon; provided that no private pond shall be established under the provisions of this Act such as to contain any waters where game fish naturally abound and shall not be construed so as to permit any person or persons, associations, company or corporation to barter or sell at any time of the year, any native or mountain trout, whether raised in private ponds or in any other waters in this State; provided further, that the owner or owners of the said private fish pond or any other person or persons, may barter or sell any other kind of fish raised or grown in such private fish pond, except native or mountain trout and provided further, that the owner or owners of such private fish pond shall, before sell-



ing any fish from the same, make application to the State Fish and Game Warden by affidavit describing accurately such pond or ponds, where located, when such pond or ponds were started and stocked with fish, from whence the fish were procured, the kind of fish to be sold or shipped, the railroad station from which it is desired to ship such fish, the destination and to whom shipped, and upon a satisfactory showing being so made to the State Fish and Game Warden, that such private pond is in fact a private pond, within the meaning of this Act, and the fish desired to be shipped have been reared in said pond; and upon the payment of the sum of Ten Dollars (\$10.00) the said State Fish and Game Warden shall issue to the owner or owners of such private pond a permit of the form prescribed by him to ship such fish. Such permit must contain the date when issued, the name of the person to whom issued, the number and name of the location of the pond, from whence the fish are to be shipped, and also the station or depot from which the shipments are to be made, and the destination and to whom shipped: Provided that in cases where private ponds have been established upon lands and waters where fish do naturally abound prior to January the 1st, 1903, the State Fish and Game Warden may, in his discretion, upon a thorough investigation, issue permits and allow the owner or owners of such ponds to sell such kinds and varieties of fish therefrom as are not prohibited by this Act.

All permits issued under the provisions of this Section shall be continued in force from the date of issuance until the 31st day of March following their issuance and may be revoked at any time by the State Fish and Game Warden where he has knowledge that the native or mountain trout have been sold from said ponds or any or either of them or they may be revoked for any other good and sufficient cause. Such permits shall be issued in triplicate; one copy to be given to the shipper, one to the railroad or express agent at the station, from which the shipments are to be made, and the third copy to be placed on file in the State Fish and Game Warden's office. A copy of the bill of lading for each and every shipment must be transmitted to the State Fish and Game Warden on the day the shipment is made by the shipper and not otherwise.

It is further provided: That it shall be a misdemeanor for any express company, railroad company, steamship or steamboat company, stage line, transportation company or common carrier of any kind whatsoever, its agent or employee to receive any fish of any kind or description whatever for shipment unless they have in their possession a

duplicate of such shipping permit above described; and it shall be a misdemeanor to take fish or spawn from any of the lakes or streams of this State and place them in private ponds at any time of the year; and it shall be a misdemeanor for any person or persons to sell or offer for sale, any fish or spawn not propagated or grown in a private pond as above described, except as in this Act otherwise provided.

#### GAME OWNED BY THE STATE.

SEC. 11. All game fish in the State, other than those in private ponds and fisheries and all game animals, game birds and fur bearing animals, other than those in private game parks, are declared to be the property of the State and shall not be taken at any time or in any manner other than as permitted under the provisions of this Act, and it shall be a misdemeanor for any person at any time to wantonly kill, waste or destroy any of the game fish or game animals or fur bearing animals or game birds of this State; and whoever at any time, within the State of Idaho, kills, captures or destroys any game animal of this State, except the mountain goat and bear, and detaches or removes from the carcass thereof only the head, hide, antlers, horns, tusk or tusks, tooth or teeth or any or all of the aforesaid parts, or captures or mutilates any such animal while alive by removing or detaching a tooth or teeth, or tusk or tusks therefrom, is guilty of a felony and upon conviction thereof shall be imprisoned in the State penitentiary for not less than one year nor more than five years. The purpose and intent of this section is to protect game animals of the State from wanton, ruthless or wasteful destruction or mutilation for their heads, hides, antlers, horns or teeth or tusks alone, and its provisions are to be so construed. The failure of any person to properly dress and care for any game animal killed by such person or persons, if reasonably accessible, within twenty-four hours, and to take or transport to the camp of such person or persons such carcass and there properly take care of the same, shall be prima facie evidence of the violation of the provisions of this section.

#### OPEN SEASON FOR FISHING.

SEC. 12. It shall be a misdemeanor for any person or persons to catch or kill any species of fish whatever in any of the streams, rivers, lakes, reservoirs or waters of this State with any seine, net, spear, weir, fence, basket, trap, gill-net, dip-net, trammel-net or any other contrivance, except as hereinafter provided. It shall be lawful, however, to catch or take salmon from the Snake River at Lewiston,



Idaho, as far up Snake River as Shoshone Falls, and in the Clearwater River as far up the stream as the river is meandered, except from April 16th to May 31st, of each year, both dates inclusive, with seines or nets of which the meshes shall be not less than six (6) inches in length when elongated or drawn by two opposite corners across the mesh. It shall be lawful to take fish with a seine, net or set line from the waters of Bear Lake, in Idaho, except during the months of April and May of each year; Provided, however, that it shall be a misdemeanor to take fish from the waters of the said Bear Lake or to fish therefor with such seine, net, set line or other contrivance within four hundred (400) yards of the mouth of any stream flowing into the said Bear Lake, and the limit upon the amount of fish that may be taken in any one day or the amount of fish a person may have in his possession at any one time does not apply to Bear Lake trout or any unprotected fish taken from Bear Lake. It shall be lawful to seine for white fish, herring, carp or squawfish under the supervision or by the order of the State Fish and Game Warden or his deputies in any of the streams, lakes or ponds of the State where it is deemed they are sufficient in number to be destructive to the trout or other game fish. The fish so taken shall be disposed of under the direction of the State Fish and Game Warden or his deputies, and one half of all moneys received from the sale of such fish by the State Fish and Game Warden or his deputy shall be turned into the State fish and game fund, unless otherwise provided, and the other half of such moneys shall be turned over to the party or parties catching said fish.

It shall be lawful to take minnows for bait or the young of the carp, sucker, chub, white fish, perch or shiners with a minnow net not to exceed four (4) feet wide by ten (10) feet long; Provided; That it shall be a misdemeanor to take in such manner for bait or in any other manner not made lawful by this Act, the young of the trout, bass, catfish, grayling or sunfish, and it shall be a misdemeanor for anyone to throw the young of the carp, suckers or chub into any of the public waters of this State, except under the direction of the State Fish and Game Warden.

#### OPEN SEASON ON TROUT.

SEC. 13. It shall be lawful to catch any kind of fish with a hook and line attached to the pole and held in the hand at any time of the year; Provided, however, That it shall be unlawful to catch trout in any manner during the months of *March, April and May of each year in the counties of Franklin, Oneida and Cassia, and during the months of April and*

May of each year in any of the *other* waters of this State, except lakes and navigable streams. For the purpose of this Act, the following streams or parts of streams are declared navigable streams: Clearwater River as far up as the town of Lowell, North Fork of Clearwater River as far up as the mouth of Beaver Creek; Salmon River as far up as the Sunbeam Dam; Snake River as far up as the town of Ashton, the South Fork of Snake River as far up as the Wyoming State line, Payette River as far up as the town of *Smiths Ferry*, the *South Fork of the Payette River as far up as the Oxbow tunnel*, Boise River as far up as the upper end of the back waters of the Arrow Rock Dam Reservoir, and all of that portion of the Kootenai River which is in the boundaries of the State of Idaho, and Deep Creek as far up as the town of Naples, Idaho.

It is further provided that salmon or whitefish may be speared or caught on a snag hook not less than six (6) inches in length. It shall be a misdemeanor to catch any kind of fish through the ice at any time of the year except from the following lakes and rivers: Bear Lake, Pend d'Oreille Lake \* \* \* and Kootenai River, Clearwater River as far up as the town of Lowell, North Fork of Clearwater River as far up as the mouth of Beaver Creek, Salmon River as far up as the Sunbeam Dam, and Snake River as far up as the town of Ashton, the South Fork of Snake River as far up as the Wyoming State line. It shall be unlawful to fish through the ice for trout in any of the aforesaid waters, except the Kootenai River and Pend d'Oreille and Bear Lakes.

It shall be a misdemeanor to fish within three hundred (300) feet of a fish ladder or dam in any stream.

#### AMOUNT OF CATCH ALLOWED.

SEC. 14. It shall be unlawful for any person to catch from the public waters more than fifteen (15) pounds and one fish, of trout, bass, catfish, grayling, perch or sun-fish in any one day or to have in his possession more than thirty (30) pounds of these fresh fish so taken at any one time, or to have more than fifteen (15) pounds of smoked or dried fish in his possession at any time except as provided for Bear Lake trout. In computing the number of pounds of fish which any person may catch or have in his possession under the provisions of this Act, the fish shall be weighed dressed, with the heads on. If the heads have been removed from said fish, it shall be unlawful for any person to have in his possession more than twelve (12) pounds of said fish taken in any one day or more than twenty-five (25) pounds of



said fish in his possession, at any one time, except destructive or predatory fish caught by authority of the State Fish and Game Warden, as provided herein, and also fish caught for commercial purposes as provided herein. It shall be unlawful to kill or destroy or have in possession for any purpose any trout or black bass from the public waters less than six (6) inches in length, measured with head and tail, and the possession of such fish shall be a misdemeanor.

It shall be a misdemeanor for any person to fish for trout from the back of any animal or to travel up or down in any stream on the back of any animal while fishing for trout.

And provided, further, that it shall be unlawful from and after the passage of this Act to catch and take any red fish from what are known as "Red Fish Lakes" in Custer County. By "Red Fish" is meant a large red fish or oncarhynchusnerks and a small red fish or oncarhynchuskennerlyi, but this section shall not be construed as preventing the State Fish and Game Warden from closing or declaring a closed season on any stream, part of stream or lake as provided for herein.

#### DEPOSITING SAWDUST IN STREAMS.

SECTION 15. It shall be unlawful for the owner or owners of any sawmill, reduction works, or any of the employees thereof, or any other person or persons, whomsoever, to deposit, throw in or in any way permit to pass into any stream or lake any sawdust, chemicals or other substances that will or may tend to the destruction or driving away from such waters, any fish, or kill any fish by the use of poison or deleterious drugs or by the use of any explosive substance or to explode or cause to be exploded, any powder, hercules powder, dynamite, nitroglycerine, lime gas, or other explosive substances, for the purpose of catching, killing or destroying any kind of fish; Provided, That if it shall become necessary for any person or persons to use any of said explosives for the purpose of internal improvement in any of the streams or lakes of this State, such person or persons before using such explosives must procure permission from the State Fish and Game Warden or Deputy Warden of the County in which said explosives are to be used: Provided, further, That nothing in this Act contained shall prevent the owners of any quartz mill or reduction works in this State, now or hereafter, to be located upon any natural stream, or lake, from operating said quartz mill or reduction works where the said owner or owners thereof shall build or cause to be built a suitable dam for settling purposes: Provided, however, that before any dam shall

be built, for any such settling purposes, the State Fish and Game Warden shall first approve the plan for such dam for settling purposes, to be used in connection with said Quartz Mill or reduction works, for preventing any deleterious chemicals from flowing into such stream or lake.

### GAME BIRDS.

SECTION 16. It shall be unlawful for any person or persons to kill, ensnare, trap, or destroy any Hungarian, English, Chinese, Ringneck or Mongolian Pheasant, Mountain Quail, Valley Quail, Bob White, Sage Hen, Swan, Fool Hen, or any species of Grouse whatever, in the State of Idaho, except as hereinafter provided. It shall be lawful, however, for any person or persons to kill Chinese, Ringneck or Mongolian pheasants in the counties of Ada, Canyon, Gem, Gooding, Lincoln, Twin Falls, Latah and Nex Perce between the first day of November and the 30th day of November of each year, both dates inclusive. But no person shall kill or have in his possession more than four of these birds in any one day, or at any time sell or offer to sell any of said birds.

It shall be lawful for any person or persons to kill any quail within the State of Idaho, from the 1st day of November to the 15th day of November, both dates inclusive, except in the counties of Madison, Blaine, Adams, Franklin, Benewah, Bannock, Boundary, Minidoka, Washington, Bingham, Bonneville, Valley, Custer, Lemhi, Twin Falls, Fremont, Bonner, Shoshone, Boise, Elmore, Camas, Jerome, Clark, Caribou, Butte, Jefferson, Teton, Bear Lake, Canyon, Oneida and Power, and Provided, further, That it shall be unlawful for any person or persons to kill or destroy any Mourning Dove, except from the 15th day of August to the 30th day of September, both dates inclusive, of each year, and it shall be unlawful to kill in any one day or have in his possession a total of more than six (6) of the following birds: Partridge, Sage Hen, Pheasant, Grouse, or more than eight (8) quail or more than twelve (12) Mourning Dove.

It shall be unlawful for any person or persons, to kill or destroy any species of wild duck, goose, woodcock, black-breasted and golden plover, yellow legs, Wilson or jack snipe in the State of Idaho, except from the sixteenth day of September to the thirty-first day of December of each year, both dates inclusive, or to kill in any one day or have in his possession at any one time more than eighteen (18) ducks, two (2) geese, six (6) black-breasted and golden plover, six (6) yellow legs, twelve (12) Wilson or jack snipe, or to kill in any one day or have in his possession at any one



time a total of more than twenty (20) of all of said birds.

It shall be unlawful to kill \* \* \* any of the following migratory birds prior to December 7th, 1926; Band-tailed pigeons, little brown, sandhill and whooping cranes, swans, curlew and all shore birds except the black-breasted and golden plover, Wilson or jack snipe, woodcock, and the greater and lesser yellow legs.

It shall be unlawful for any person or persons to destroy the nests or the young birds of any game birds or to molest such birds or their young during the breeding season, and any person or persons found guilty of destroying the nests or destroying the game birds or their young during the breeding season, or when such birds are protected by law, shall be guilty of a misdemeanor.

It shall be unlawful for any person to have in his possession any game, dead or alive, during the closed season for such game, except as hereinafter provided. Any person having in his possession any game, dead or alive, during such closed season, shall be guilty of a misdemeanor, unless the taking of such game has been authorized by the State Fish and Game Warden.

It shall be unlawful for any person or persons to ensnare or trap any of the birds protected by this Act at any time of the year unless so authorized by the State Fish and Game Warden.

It shall be a misdemeanor for any person or persons to shoot any migratory birds on any day except from half an hour before sunrise to sunset, during the open season prescribed therefor in the Federal and State regulations.

It shall be a misdemeanor for any person or persons to hunt for, shoot, kill or capture any ducks, geese or migratory birds while in a launch or boat of any kind, propelled by means of steam, gasoline, electricity or other mechanical power.

In the counties of Boundary, Bonner, Kootenai, Benewah and Shoshone it shall be unlawful for any person or persons to kill or destroy any partridge, pheasant or grouse, except between the first day of September and the 31st day of October of each year, both dates inclusive, and it shall be unlawful for any person or persons to kill or destroy any partridge, pheasant or grouse in the counties of Latah, Clearwater, Nez Perce, Lewis and Idaho, except between the 15th day of August and the 15th day of October of each year, both dates inclusive. Provided, further, That it shall be unlawful for any person or persons to take, kill or de-

stroy any partridge or pheasant in any of the following counties,—Butte, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Power, Bannock, Bear Lake, Franklin, Oneida and Caribou, except between the 15th day of August and the 15th day of September of each year, both dates inclusive. And provided, further, That it shall be unlawful for any person or persons to take, kill or destroy any Ruffed Grouse, Dusky Grouse, Franklin Grouse or fool hen, Sharp Tail Grouse, commonly called Prairie Chicken, or any kind or species of grouse, in the territory of the State of Idaho lying south of the following described line: Beginning at a point where the north line of Township Twenty-four (24) North, Range Two (2) West, interesects the Idaho-Oregon State boundary line; thence east along said township line to the point where it first intersects the south or west bank of the Salmon river; thence up the Salmon River to the point where the Salmon River first forms part of the boundary of Lemhi County to its junction with the Montana-Idaho State line; thence following the boundary of the State of Idaho in a southeast, south, west, north, northwest and northeast direction around to the point of beginning. Provided, however, That it shall be lawful to kill or destroy *Ruffed Blue* or Dusky Grouse in the counties of Bannock, Boise, Valley, Idaho, Washington, *Adams*, Lemhi, Custer, Blaine, Camas, Elmore, *Franklin*, *Butte*, Fremont, Madison, Teton, Bonneville and Bingham from August 15th to September 30th of each year, both dates inclusive.

It shall be unlawful to kill sage-hens or sage grouse in any part of the State except from the 15th day of August to the 30th day of September of each year, both dates inclusive. Provided, it shall be unlawful to kill or to have in possession more than six of said birds at any one time.

### BIG GAME.

SECTION 17. It shall be unlawful for any person or persons to pursue, capture or kill within the State of Idaho any moose, buffalo, antelope, caribou, beaver, calf elk, spotted-fawn or mountain sheep at any time: Provided, however, That upon a satisfactory showing being made to the State Fish and Game Warden, that beaver in any locality are damaging any irrigation canals, crops, etc., the State Fish and Game Warden, may in his discretion, issue a permit for the taking of such number of beaver as in his judgment will stop the damage to such property, and the pelts so taken shall be turned over to the State Fish and Game Warden and sold by him, and the \* \* \* amount received by him for such pelts shall be divided as follows: Fifty



per cent (50%) to be credited to the State fish and game fund, and Fifty per cent (50%) to the party or parties trapping the beaver. It shall be unlawful for anyone to have beaver hides in his possession at any time, except as herein provided, and any person or persons having such hides in their possession shall be guilty of a misdemeanor.

#### OPEN SEASON FOR BIG GAME.

SECTION 18. It shall be unlawful for any person or persons to pursue hunt or kill any deer, elk or mountain goat at any time of the year except as herein provided. It shall be lawful to pursue, hunt or kill elk in Idaho and Clearwater counties from the 1st day of October to the 15th day of November of each year, both dates inclusive. Provided, also, that it shall be lawful to hunt, pursue and kill elk in the counties of Fremont, Bonneville, Teton and Bingham, from the 16th day of September to the 15th day of December of each year, both dates inclusive. Provided further, That it shall be unlawful for any person or persons to pursue, hunt or kill any deer or mountain goat at any time of the year, except between the 16th day of September and the 30th day of November of each year, both dates inclusive, in the following counties: Idaho, Valley, Lemhi, Washington, Adams, Elmore, Gooding, Lincoln, Blaine, Boise, Butte, Custer, Jefferson, Bonneville, Madison, Teton, Power, Franklin, Clark and Caribou. Provided, also, That it shall be unlawful for any person or persons to hunt, pursue or kill any deer within the counties of Boundary, Bonner, Benewah, Kootenai, Shoshone, Latah, Lewis, Nez Perce, and Clearwater, except from the sixteenth day of October to the thirty-first day of December of each year, both dates inclusive. \* \* \* It shall be unlawful at any time to kill or capture any deer, elk, mountain sheep or mountain goat by means of any pitfalls, trap or snare at any deer-lick, and it shall be unlawful at any time of the year for any person to hunt \* \* \* capture or pursue with dogs any of the animals herein mentioned. Any person or persons violating the provisions of this section shall be guilty of a misdemeanor.

Provided, further, That it shall be unlawful for any person or persons to pursue, hunt or kill any deer or elk or mountain goat, or any other game animal in any of the game preserves within the State of Idaho, that have been created heretofore by law, or that may be created by law during the Fifteenth Session of the Legislature of the State of Idaho.

### HUNTING WITH DOGS PROHIBITED.

SECTION 19. No person or persons shall make use of a dog in hunting, pursuing or killing any of the game animals (not including fur bearing or predatory animals) of the State of Idaho. The owner of any dog or dogs found running at large and which are tracking or pursuing deer or other game animals (other than fur bearing or predatory animals) within this State shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing such deer or other game animal without the aid or direction of their master. Any free running dog running at large in territory inhabited by deer, or found following upon the tracks of said game animals (other than fur bearing or predatory animals) is hereby declared to be a public nuisance and may be killed at such time by any Game Warden or other person entrusted with the enforcement of the game laws, without criminal or civil liability. It shall be unlawful for any person to watch or lie in wait, upon or near any dry or wet stands, licks, creeks, rivers or lakes of the State of Idaho, that game animals (other than fur bearing or predatory animals) are accustomed to use, or at any time when pursued by dog or dogs, with intent to take, kill, injure or destroy such game animal or animals: and it shall also be unlawful for any person at any time of the year, to shoot or kill in any manner whatever a deer or elk when such deer or elk is in the water or upon the ice of any stream, lake or pond within the State of Idaho.

Provided, however, That predatory animals may be taken by the use of dogs at any time in the year by first having secured from the State Fish and Game Warden, or his deputies, a license permitting such person to so capture and kill predatory animals in the State of Idaho.

It shall be unlawful for any person at any time to have in his possession more than thirty (30) pounds of dried, smoked, evaporated, jerked venison or deer meat, or more than sixty (60) pounds of dried, smoked, evaporated or jerked elk meat.

It shall be unlawful for any person or persons, subject to the exceptions hereinafter contained, to hunt, trap or angle for, or kill or take any of the wild animals, birds or fish of this State or have in his possession for the purpose of hunting, any shotgun, rifle or other firearms other than side arms while in the field or forest in the State of Idaho, without first having procured a license as hereinafter provided, and upon the request of the State Fish and Game Warden or his deputies, such license must be produced for inspection. It shall be unlawful for any person under the



age of twelve (12) years to have in his possession any shot-gun, rifle, or other firearms while in the field or forest or in any tent, camp, auto or any other vehicle in the State of Idaho. Any citizen or bona fide resident of the State of Idaho over the age of twelve (12) years, who has been such for a period of six (6) months last preceding the application for a license, upon the payment of one and 50-100 dollars (\$1.50) to the State Fish and Game Warden, or to any deputy warden, shall be entitled to receive from the officer, or any authorized agent to whom such payment is made, a rod and gun license which shall permit such person to pursue, hunt and kill any of the game animals or birds mentioned in this Act, during the time when it shall be lawful to kill the same in any of the counties of this State, subject to the limitations as to the number of each kind of animals or birds provided herein, and to catch fish with a hook and line according to the provisions of this Act. Such license shall not be transferred to any other person, and it shall be a misdemeanor for any such officer to issue a receipt in lieu of such license.

### LICENSES.

SECTION 20. It shall be unlawful for any person or persons to hunt any game whatever or trap fur bearing animals in the State of Idaho or to fish in any of the public waters of the State without first procuring a license therefor, as herein required; provided that this requirement shall not apply to female persons who are residents of the State, nor to veterans of the Civil War, nor to children under the age of twelve (12) years. The license by this section required, shall be exhibited on request of any game warden, assistant game warden or deputy game warden or other person in this Act mentioned, as required to enforce the fish and game laws, and in case of loss of such license a new one shall be required to entitle the person who lost the same to hunt or fish.

### CLASS OF LICENSES.

SECTION 21. The licenses required by the provisions of this Act shall be of three general classes, as follows:

(1) Licenses to be issued only to citizens of the United States who are bona fide residents of Idaho: aliens who for six months have been bona fide residents of this State and have declared their intention to become citizens of the United States shall be classed as resident citizens for the purposes of this Act.

(2) Licenses required on the part of citizens of the

United States who are not residents of the State of Idaho; and

(3) Licenses required by aliens who are non-residents of the State of Idaho.

### RESIDENT GAME LICENSES.

SECTION 22. A license of the first class mentioned in the preceding section may be had by a person possessing the qualifications therein described on payment of one and 50-100 (\$1.50) dollars and shall entitle the person to whom issued to pursue, hunt and kill in the manner provided by this Act, game animals, game birds and game fish mentioned in this Act, during the time when it shall be lawful to hunt and take the same in any of the counties of this State, subject to the limitations and to the number of each kind of game animals or birds as provided herein, and the number or quantity of fish as limited by this Act.

### KIND OF LICENSES.

SECTION 23. Licenses of the second and third classes mentioned in this Act shall be of four several kinds as follows:

(a) Licenses entitling the person to whom issued to hunt, pursue, kill and take any game or game animals, (not including fur bearing animals) game birds and fish in this State subject to the limitations by this act prescribed as to the manner of taking, time of hunting and number of birds, quantity of game and fish permitted to be taken.

(b) Licenses entitling the person to whom issued to pursue, hunt or kill only game birds of this State, and such license shall not entitle such person to fish in the public waters of the State, nor to hunt game animals other than such game birds.

(c) Licenses entitling the person to whom issued to catch fish from the public waters of the State, but which license does not entitle such person to pursue, hunt or kill game birds or game animals or fur bearing animals and limits him to the catching of fish only.

(d) Licenses entitling the persons to whom issued to trap fur bearing animals but which do not entitle such persons to pursue, hunt or kill game birds or game animals other than fur bearing animals, nor to fish.

### FEES.

SECTION 24. A license of the kind specified in subdivision (a) of the preceding section may be had by any per-



son who is a citizen of the United States but who is not a resident of the State of Idaho upon payment of Ten Dollars (\$10.00), Provided, That where an adjoining state charges the residents of the State of Idaho a similar sum for the big game license, the license of the kind specified in sub-division (a) of the preceding section shall be Ten Dollars (\$10.00), but where no such reciprocating license is issued in such adjoining state to the State of Idaho, the license of the kind specified in subdivision (a) of the preceding section shall be in the same amount as is charged non-residents of such adjoining state, and by an alien person upon payment of Fifty Dollars (\$50.00); and a license of the kind specified in sub-division (b) of the preceding section may be had by any person who is a citizen of the United States, but who is not a resident of the State of Idaho, upon payment of Five and No-100 (\$5.00) Dollars; and a license of the kind specified in subdivision (c) of the preceding section may be had by any person who is a citizen of the United States, but who is not a resident of the State of Idaho upon payment of Two Dollars (\$2.00) and by an alien person upon the payment of Ten Dollars (\$10.00); and a license to trap fur bearing animals as specified in subdivision (d) of the preceding section may *he* had by a resident citizen upon payment of Five Dollars (\$5.00) and by a person who is a citizen of the United States, but who is not a resident of the State of Idaho upon payment of Twenty-five Dollars (\$25.00), and by an alien person upon payment of Fifty Dollars (\$50.00).

#### APPLICATION FOR LICENSE.

SECTION 25. Any person desiring a license shall make written application under oath stating the class of license desired, the citizenship of the applicant and his place of residence and any person wilfully making false statements in such affidavit as to his citizenship or residence shall be guilty of perjury and subject to the penalty prescribed by the laws of this State for persons convicted of perjury. The State Fish and Game Warden shall cause to be printed sufficient number of blank applications and shall furnish the same with the blank licenses to persons authorized to sell such licenses and such applications shall be in substantially the following form in duplicate, to-wit:

STATE OF IDAHO

County of \_\_\_\_\_

} ss

I, the undersigned, hereby make application for a class \_\_\_\_\_ license and I hereby solemnly swear that I am \_\_\_\_\_ citizen of the United States but have declared my intention before the proper tribunal to become such citizen; that I have \_\_\_\_\_ resided within the State of Idaho for six months last past; That I reside at present at \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

## FORMS OF LICENSES.

SECTION 26. The Forms of the various licenses herein prescribed shall be substantially as follows:

"No. \_\_\_\_\_ STATE OF IDAHO Class 1.

RESIDENT FISH AND GAME LICENSE \$1.50.

This license is issued to \_\_\_\_\_ who is hereby permitted to pursue, bunt and kill game, game birds and fish within the State of Idaho, subject to the limitations and restrictions of the Fish and Game Laws of said State.

## DESCRIPTION OF PERSON TO WHOM ISSUED.

Signature, \_\_\_\_\_, Age \_\_\_\_\_;  
Height \_\_\_\_\_ feet and \_\_\_\_\_ inches; Weight \_\_\_\_\_  
pounds; Complexion \_\_\_\_\_; color of hair, \_\_\_\_\_,  
of eyes \_\_\_\_\_; place of residence \_\_\_\_\_,  
County of \_\_\_\_\_, State of Idaho.  
Dated \_\_\_\_\_

at \_\_\_\_\_, Idaho.

State Fish and Game Warden.

Issued by \_\_\_\_\_"

"No. \_\_\_\_\_ STATE OF IDAHO. Class 2-a

NON-RESIDENT GAME LICENSE \$10.00

This license is issued to \_\_\_\_\_, a citizen of the United States, but not a resident within the State of Idaho, and he is hereby permitted to pursue, hunt and kill game and game birds and fish (not including fur bearing animals) within the State of Idaho, subject to the limitations and restrictions of the fish and game laws of said State.



## DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex .....; age .....; height ..... feet, ..... inches;  
 weight ..... pounds; complexion .....; color of hair  
 .....; of eyes .....; place of residence ....., County  
 of ..... State of .....  
 Dated .....  
 at ..... Idaho.

State Fish and Game Warden.

Signature ..... Issued by ....."

No. .... STATE OF IDAHO. Class 2-b  
 NON-RESIDENT BIRD LICENSE \$5.00

This license is issued to ....., a citizen of the United States, but not a resident within the State of Idaho, and he is hereby permitted to hunt, pursue and kill game birds within this State but is not entitled to fish nor hunt game animals other than such game birds subject to the limitations and restrictions of the fish and game laws of said State.

## DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex .....; age .....; height ..... feet and ..... inches;  
 weight ..... pounds; complexion .....; color of  
 hair ....., of eyes .....; place of residence .....,  
 County of ....., State of .....  
 Dated .....  
 at ....., Idaho.

State Fish and Game Warden.

Signature ..... Issued by ....."

No. .... STATE OF IDAHO Class 2-c  
 NON-RESIDENT FISH LICENSE \$2.00.

This license is issued to ....., a citizen of the United States but not a resident within the State of Idaho, and he is hereby permitted to catch fish within the State of Idaho subject to the limitations and restrictions of the fish and game laws of said State.

## DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex .....; age .....; height ..... feet and ..... inches;  
 weight ..... pounds; complexion .....; color of  
 hair ....., of eyes .....; place of residence .....,  
 County of ....., State of .....  
 Dated .....  
 at ....., Idaho.

State Fish and Game Warden.

Signature ..... Issued by ....."

"No. \_\_\_\_\_ STATE OF IDAHO Class 3-a  
ALIEN GAME LICENSE \$50.00.

This license is issued to \_\_\_\_\_, who is not a citizen of the United States, and is not a resident within the State of Idaho and he is hereby permitted to pursue, hunt and kill game and game birds and fish (not including fur bearing animals) within the State of Idaho, subject to the limitations and restrictions of the fish and game laws of said State.

DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex \_\_\_\_\_; age \_\_\_\_\_; height \_\_\_\_\_ feet and \_\_\_\_\_ inches;  
weight \_\_\_\_\_ pounds; complexion \_\_\_\_\_; color of  
hair \_\_\_\_\_, of eyes \_\_\_\_\_; place of residence \_\_\_\_\_,  
County of \_\_\_\_\_, State of \_\_\_\_\_.  
Dated \_\_\_\_\_  
at \_\_\_\_\_, Idaho. State Fish and Game Warden.  
Signature \_\_\_\_\_ Issued by \_\_\_\_\_."

"No. \_\_\_\_\_ STATE OF IDAHO. Class 3-b  
ALIEN FISH LICENSE \$10.00.

This license is issued to \_\_\_\_\_, who is not a citizen of the United States, and is not a resident within the State of Idaho, and he is hereby permitted to catch fish within the State of Idaho, subject to the limitations and restrictions of the fish and game laws of said State.

DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex \_\_\_\_\_; age \_\_\_\_\_; height \_\_\_\_\_ feet and \_\_\_\_\_ inches;  
weight \_\_\_\_\_ pounds; complexion \_\_\_\_\_; color of  
hair \_\_\_\_\_, of eyes \_\_\_\_\_; place of residence \_\_\_\_\_,  
County of \_\_\_\_\_, State of \_\_\_\_\_.  
Dated \_\_\_\_\_  
at \_\_\_\_\_, Idaho. State Fish and Game Warden.  
Signature \_\_\_\_\_ Issued by \_\_\_\_\_."

"No. \_\_\_\_\_ STATE OF IDAHO. Class 1-d  
RESIDENT TRAPPERS LICENSE \$5.00.

This license is issued to \_\_\_\_\_, who is hereby permitted to trap fur bearing animals within the State of Idaho subject to the limitations and restrictions of the fish and game laws of said State.

DESCRIPTION OF PERSON TO WHOM ISSUED.

Signature \_\_\_\_\_; age \_\_\_\_\_; height \_\_\_\_\_ feet  
\_\_\_\_\_ inches; weight \_\_\_\_\_ pounds; complexion \_\_\_\_\_;



color of hair \_\_\_\_\_, of eyes \_\_\_\_\_; place of residence \_\_\_\_\_, County of \_\_\_\_\_, State of Idaho.  
 Dated \_\_\_\_\_  
 at \_\_\_\_\_ Idaho. State Fish and Game Warden.  
 Issued by \_\_\_\_\_."

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"No. \_\_\_\_\_ STATE OF IDAHO. Class 2-d  
 NON-RESIDENT TRAPPERS LICENSE \$25.00.

This license is issued to \_\_\_\_\_, a citizen of the United States but not a resident within the State of Idaho, and he is hereby permitted to trap fur bearing animals within the State of Idaho, subject to the limitations and restrictions of the fish and game laws of said State.

#### DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex \_\_\_\_\_; age \_\_\_\_\_; height \_\_\_\_\_ feet, \_\_\_\_\_ inches;  
 weight \_\_\_\_\_ pounds; complexion \_\_\_\_\_; color of hair \_\_\_\_\_, of eyes \_\_\_\_\_; place of residence \_\_\_\_\_,  
 County of \_\_\_\_\_, State of \_\_\_\_\_.  
 Dated \_\_\_\_\_  
 at \_\_\_\_\_, Idaho. State Fish and Game Warden.  
 Signature \_\_\_\_\_ Issued by \_\_\_\_\_."

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"No. \_\_\_\_\_ STATE OF IDAHO. Class 3-d  
 ALIEN TRAPPERS LICENSE \$50.00.

This license is issued to \_\_\_\_\_, who is not a citizen of the United States and is not a resident within the State of Idaho, and he is hereby permitted to trap fur bearing animals within the State of Idaho, subject to the limitations and restrictions of the fish and game laws of said State.

#### DESCRIPTION OF PERSON TO WHOM ISSUED.

Sex \_\_\_\_\_; age \_\_\_\_\_; height \_\_\_\_\_ feet, \_\_\_\_\_ inches;  
 weight \_\_\_\_\_ pounds; complexion \_\_\_\_\_; color of hair \_\_\_\_\_, of eyes \_\_\_\_\_; place of residence \_\_\_\_\_,  
 County of \_\_\_\_\_, State of \_\_\_\_\_.  
 Dated \_\_\_\_\_  
 at \_\_\_\_\_, Idaho. State Fish and Game Warden.  
 Signature \_\_\_\_\_ Issued by \_\_\_\_\_."

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License No. \_\_\_\_\_  
 DEER COUPON.

Must be dated, signed and attached to deer when it is killed. This coupon authorizes shipment of carcass during

open season or three (3) days thereafter anywhere within the State. Unlawful to alter or transfer this coupon.

19 .....

Dated ..... 19 .....

Signed .....

(Signature of Licensee.)

VOID UNTIL SIGNED.

License No. ....

### MOUNTAIN GOAT COUPON.

Must be dated, signed and attached to Mountain Goat when it is killed. This coupon authorizes shipment of carcass during open season or three (3) days thereafter, anywhere within the State. Unlawful to alter or transfer this coupon.

19 .....

Dated ..... 19 .....

Signed .....

(Signature of Licensee.)

VOID UNTIL SIGNED.

License No. ....

### ELK COUPON.

Must be dated, signed and attached to elk when it is killed. This coupon authorizes shipment of carcass during open season or three (3) days thereafter anywhere within the State. Unlawful to alter or transfer this coupon.

19 .....

Dated ..... 19 .....

Signed .....

(Signature of Licensee.)

VOID UNTIL SIGNED.

All licenses shall be printed as directed by the State Auditor with two stubs, one stub to be retained by the person issuing such license and the other to be returned to the State Fish and Game Warden. The State Fish and Game Warden shall distribute such licenses to the persons authorized to issue the same, and shall charge such persons with the full value thereof, and such persons shall be responsible for all sums received by them from the sale of such licenses as well as for the return of all unsold licenses and shall be liable upon their official bonds, and should any person fail to account for the same, any sum remaining due by reason



of such failure may be recovered from such person or his bondsmen in a civil action. All persons authorized to sell licenses, except the State Fish and Game Warden, his chief deputy, field deputy, assistant chief deputies and clerk shall be entitled to receive a commission of ten per cent (10%) upon all licenses amounting to Five Dollars (\$5.00) or less, and a commission of five per cent (5%) upon all licenses amounting of more than Five Dollars (\$5.00) to be retained by them as compensation for the sale of such licenses. Such licenses shall have printed on the back thereof a short synopsis of this Act. All female persons and all children under the age of twelve (12) years, residents of the State of Idaho, may take fish, and all veterans of the Civil War may take fish and game under the provisions of this Act without procuring a license as provided by this Act. All licenses under the provisions of this Act shall expire on the thirty-first day of March, next following the date of their issue.

#### BIG GAME LIMIT;

SECTION 27. It shall be unlawful during the open season of the year for any person to hunt, kill or capture more than one elk, one deer \* \* \* \* and one mountain goat and all licenses issued by authority of the State, as provided for in this Act, shall state the number of such animals that may be killed by the holder of such license. Every person who shall have procured and paid for a license, as provided for in this act, shall be entitled to the use and possession of the whole or any part of any animal killed in accordance with the provisions of this Act, and any hunter who shall have first procured a license as herein provided shall be entitled to keep or carry or ship within or without the State the skins, heads or horns or any parts of animals killed in compliance with the provisions of this Act; Provided, That as soon as any such animal is killed such person must detach from his license and attach to the carcass of such animal the appropriate coupon furnished him with his license, and said coupon so attached shall be authority to the railroad or other carrier receiving such shipment to accept the same for shipment; Provided, further, That after any such animal or portion of animals has once been shipped to any point within this State under the authority and in the manner hereinbefore provided, and the consignee or owner thereof desires to re-ship the same to any point within or without this state, such person shall procure from any game warden or deputy game warden, a permit of a form prescribed by the State Fish and Game Warden, authorizing such person to re-ship any animal or any part of any animal

killed in compliance with the provisions of this Act. Such permit may be procured by the shipper upon a sworn statement to the officers from whom he obtains the permit that the game desired to be re-shipped was not procured contrary to any of the provisions of this Act, and that the same has once been shipped under the provisions of this Act. Said affidavit shall contain the number and date of the owner's license and the date and place of former shipment and delivery. Said form of affidavit shall be printed upon the permit and be a part thereof. The officer issuing such permit shall make the same out in duplicate and shall at once transmit a copy of said permit to the State Fish and Game Warden, and deliver the original to the applicant, which original shall accompany the shipment. Such officer, except as otherwise provided in this Act, shall be entitled to charge a fee of fifty cents (50c.) for such permit and affidavit, twenty-five cents (25c.) to be retained by said officer, and twenty-five cents (25c.) to be accounted for to the State Fish and Game Warden, and remitted to him as other moneys to be turned into the State Fish and Game fund. The State Fish and Game Warden, assistants and deputy game wardens are hereby authorized to administer the oath required in connection with such permit.

But it shall be unlawful for any person or persons or any corporation or company or agent or employe of such company or corporation to sell or keep for sale or have in his or its possession for the purpose of selling any \* \* \* part or parts of any of the game animals mentioned in this Act, except the hides, horns or heads, and they may be sold only when properly accompanied by an affidavit in the form of a shipping permit showing that the animals were lawfully killed, and no person or corporation shall sell, offer to sell or have in his, its or their possession for the purpose of selling any hides, horns or heads in excess of the number provided for in this Act; Provided, That nothing in this Act contained shall apply to a person carrying on the business of taxidermy, taking and having in his possession the heads or skins of birds or animals for the purpose of preserving the same, when such heads and skins are accompanied by an affidavit and permit showing that they were taken from the birds or animals taken or killed in compliance with the provisions of this Act and any person engaged in the business of taxidermy or who in any way mounts or preserves birds or animals or any portion thereof covered by the provisions of this Act without first obtaining from the person from whom he obtains said birds or animals or any portion thereof such an affidavit and permit, shall be guilty of a mis-



demeanor. The State Fish and Game Warden or any of his assistants or deputies is hereby authorized to seize and confiscate any such birds or animals or portions thereof, unless the person having the same in his possession is able to produce such affidavit and permit.

Any person who shall engage in or is at the present time engaged in or conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any birds or animals or fish or any part thereof, or any person who desires to mount, preserve, or prepare for preservation any of the dead bodies of any birds or animals or fish or any part thereof which he has not taken or killed himself in compliance with the provisions of this Act, must first obtain from the State Fish and Game Warden a taxidermist's license.

The State Fish and Game Warden shall charge for such license the sum of Ten Dollars (\$10.00) to be turned into the State Fish and Game Fund. Such license shall be taken out annually and shall expire on March thirty-first of each year; the Taxidermist shall make a monthly written report to the State Fish and Game Warden of all the articles of game, the kind and number of each, by whom owned and the residence of the owner, received during the past month, also of all articles having been shipped during this time, and to whom and where shipped, and by whom and the owner's address. Such report shall be made upon blanks furnished by the State Fish and Game Warden. Any failure to make report as herein required shall be ground for the revocation of the license. Any person who shall engage in or conduct a business of taxidermy or who shall mount, preserve or prepare for preservation any of the dead bodies of any animals, birds or fish or any part thereof, which he has not taken or killed himself without first having obtained such license, or who shall continue in such business after the revocation of such license, shall be guilty of a misdemeanor.

It shall be unlawful for any person or persons, company or corporation, or agent or employe of such company or corporation to sell, offer for sale or have in his, its or their possession for the purpose of selling or of offering for sale any species of fish or birds protected by this Act, or any part of the carcasses of any of the protected animals mentioned in this Act, at any time of the year, except as otherwise provided in this Act, and any such person or persons, company or corporation, agent or employe having in his, its or their possession any of the protected animals or fish

herein mentioned for the purpose of selling the same shall be guilty of a misdemeanor, except as otherwise provided in \* \* \* this Act; Provided, however, It shall be lawful for any person or persons, company or corporation to sell or ship whitefish or sturgeon, provided such persons or person, company or corporation first secures a permit so to do from the State Fish and Game Warden. The State Fish and Game Warden shall charge for such permit the sum of Ten Dollars (\$10.00), to be turned into the State Fish and Game Fund. And any person or persons, company or corporation, selling, offering for sale, shipping or tendering for shipment, any whitefish or sturgeon without first securing such permit shall be guilty of a misdemeanor.

#### GAME ANIMALS DEFINED.

SECTION 28. Game animals shall include moose, elk, deer, caribou, mountain goat, mountain sheep, antelope, snowshoe and cottontail rabbits.

#### GAME BIRDS DEFINED.

SECTION 29. Game birds shall include only the following species, to-wit: swan, geese, brants, river and sea ducks, rails, coot or mud hens, plover, surf birds, snipe, sand pipers, tattlers, curlews, sage hens, grouse of any species, prairie chickens, pheasants, partridges, quail and turtle doves; all other birds are classified as non-game birds.

#### GAME FISH DEFINED.

SECTION 30. Game Fish shall include all species of trout, char, black bass, perch, sun fish, red fish, white fish, ling, grayling, sturgeon, salmon, land locked salmon, cat fish, bull head, and bull frog.

#### NON-GAME FISH DEFINED.

SECTION 31. Non-game fish shall include the carp, sucker, mullet, squaw fish, and red horse.

#### FUR BEARING ANIMALS.

SECTION 32. Fur bearing animals shall include beaver, otter, marten, mink, muskrat, raccoon, fox, bear and fisher.

#### PREDATORY ANIMALS.

SECTION 33. Predatory animals shall include mountain lion, wolf, coyote, lynx, bobcat, jack rabbit, skunk and weasel.

#### TRAP OR TRAPPING DEFINED.

SECTION 34. The words "trap" or "trapping" include



the use of any trap, net, snare or dead-fall used for the purpose of killing or attempting to kill, capture, trap, net or ensnare any game birds, game animal, fur bearing animal, non-game bird or game fish, whether this results in taking or not.

### SHIPMENT OF GAME.

SECTION 35. It shall be unlawful for any person or persons, railway, express company, stage line, or other common carrier or any of their agents or employes to transport or receive or have in his, its or their possession any of the game animals or birds in this Act mentioned, or any species of fish protected by this Act, for the purpose of transporting the same out of the State, or from any point in this State to another point \* \* except that it shall be lawful for them to accept and transport to any point, fish from private fish ponds, fish, the sale of which is permitted by this Act, and game for which \* \* permits are attached; Provided, That nothing in this Act shall be construed to prevent shipping or transporting mounted heads or stuffed birds to any point within or without the State when such birds or animals were not taken or killed in violation of the provisions of this Act.

### PENALTY FOR DESTROYING EGGS OR NESTS.

SECTION 36. It shall be unlawful for any person or persons within the State of Idaho, to hunt, kill, capture or destroy any song, insectivorous or innocent birds, except English Sparrow, bittern, crow, owl, raven, blue heron, hawk, kingfisher, blackbird, magpie, or bee bird, at any time of the year, or to destroy the eggs or nests of such birds.

### GENERAL POWERS OF OFFICERS.

SECTION 37 The State Fish and Game Warden, appointed under the provisions of this Act, and all deputy game wardens and all sheriffs, deputy sheriffs, constables, marshals, police officers, forest supervisors and forest rangers are authorized and it is hereby made their duty to arrest with or without warrant any person or persons found violating any of the provisions of the Fish and Game laws of the State when detected in the act of violating such law or laws or found with the fish or game unlawfully in their possession at the time of such arrest; and such officers are hereby vested with authority and it is hereby made their duty to inspect all depots, cars, warehouses, cold storage rooms, warerooms, restaurants, hotels, lodging houses, markets and all baggage, packages and packs held either for storage or shipment or sale which they shall have rea-

son to believe contain evidence of the violation of any of the provisions of this Act, and each of said officers shall have the power and he is hereby authorized to search the tents, wagons, autos or other vehicles, camps, baggage or packs of any person or persons in the State, when he shall have good reason to believe such person or persons have in their possession any game animal, bird, fish or fur bearing animal that has been taken in violation of any of the provisions of this Act, and to make such inspection and search with or without a search warrant. All necessary expenses incurred in transporting and keeping a prisoner arrested under this Act shall be paid out of the State Fish and Game fund in the same manner that other claims are paid out of said Fund.

### FISH LADDERS.

SECTION 38. It shall be unlawful for any person or persons, association or associations, corporation or corporations, firm or firms to maintain a dam or other obstruction in any stream in this State, unless a proper fishway is maintained and kept therein at all seasons of the year at the owner's expense, of a sufficient kind and capacity, to be determined by the State Fish and Game Warden, to allow the fish in such stream free and un-interrupted passage up and down the stream, which fishway must be constructed according to the plans and specifications furnished by the State Fish and Game Warden, upon application.

The State Fish and Game Warden or any of his deputies shall, when any such dam or obstruction does not contain proper fishways keep the same open until the proper fishway is put therein by the owner; provided, That where a fishway or fish ladder has heretofore been constructed and approved by the State Fish and Game Warden and has proven useless or inadequate for the purposes for which it was constructed, the State Fish and Game Warden shall have authority in cases where it may be necessary, to construct a new fishway or fish ladder and to pay the expense of such construction out of the fish and game fund. Provided, further that this provision shall not be construed to require the construction by the State Fish and Game Warden of new fishways simply to replace old ones but a fishway shall be maintained by and at the expense of the person or persons, company or companies, corporation or corporations, firm or firms maintaining the dam or other obstruction; provided, that the necessity for such construction is a matter solely within the discretion of the State Fish and Game Warden; provided, further that in



cases where it would serve no useful purpose or it would be useless to require the construction of a fishway or fish ladder, the State Fish and Game Warden upon the finding of such facts shall notify the owner or owners of the dam that no fishway or fish ladder will be required.

It shall be a misdemeanor to fish within three hundred (300) feet of a fish ladder in any stream.

### FISH ENTERING IRRIGATING CANALS.

SECTION 39. If the State Fish and Game Warden shall deem it necessary to install at or near the head of any canal or ditch in the State of Idaho used for irrigation or beneficial purposes, any fish screen or screens, appliance or appliances for the purpose of preventing fish in said natural stream, reservoir or streams from entering any canal or ditch they shall do so, providing they shall erect and keep in repair such screen or screens, or appliance or appliances as they may deem necessary; provided, also, that such a screen or screens, or appliance or appliances shall not unnecessarily retard the flow of the waters in said canal or ditch. Provided also, that all costs incurred in erecting and keeping in repair any of such screens or appliances which they shall deem necessary shall be charged against the State Fish and Game Fund and shall be paid out of the said fund as all other claims against said fund are paid as provided for in this Act, Provided, further; that it shall be the duty of the water master or owner of such ditch or canal wherein the said screen or screens, appliance or appliances have been erected, to watch the said screen or screens, appliance or appliances and in case of any damage to said screen or screens, appliance or appliances, report the same immediately to the nearest deputy fish and game warden or to the State Fish and Game Warden.

### PUBLIC WATERS HIGHWAYS FOR FISHING.

SECTION 40. Navigable rivers, sloughs or streams within the meander lines or not meandered between the lines of ordinary high water thereof, of the State of Idaho, and all rivers, sloughs and streams flowing through any public lands of the State shall hereafter be public highways for the purpose of angling or fishing thereon and any right or title to such streams or lands between the high water flow lines or within the meander lines of navigable streams shall be subject to the right of any person owning a fish license of this State, who desires to fish therein or along the banks, to go upon the same for such purpose.

## COLD STORAGE.

SECTION 41. Any person who shall have in his possession any game, fish or birds taken unlawfully, shall be guilty of a misdemeanor. It shall be unlawful to store or receive for storage any fish or game within this State except as follows, to-wit: During the open season for such game or fish when same is stored by the person lawfully in possession thereof, and it shall be unlawful for any person to receive such game or fish for cold storage, unless the appropriate license tag or permit is attached thereto, without first receiving from the owner his affidavit and reshipping permit provided for in this Act.

The State Fish and Game Warden, Deputy Game Wardens, Sheriff, constable or any officer of the law may at any time seize and take into his custody any game or fish, or any portion of the same which may have been killed or taken unlawfully, or which may be in the possession of any person, company or corporation unlawfully. All such fish or game so confiscated or taken shall, if it appears from the evidence before the magistrate trying the case that the said game or fish were unlawfully taken or killed *or were unlawfully in the possession of* the person or persons from whom they were seized, be ordered sold by the magistrate and proceeds applied as other moneys to the State Fish and Game Fund, unless otherwise provided.

All seines, nets, guns, tackle, powder, explosives, lime, poison, drugs and other means and devices for the unlawful taking or killing of fish or game of any kind found in the possession of any person \*\*\* detected in unlawfully taking fish from any of the waters of the State or unlawful killing of any kind of game, shall be seized by the officer making the arrest, and if it appears from the evidence before the magistrate trying the case that the seines, guns, nets, tackle, powder, explosives, lime, poison, drugs and other means and devices for the taking or killing of game or fish were used or were about to be used for the unlawful taking or killing of fish or game, the same are hereby confiscated and shall be ordered sold by the magistrate at public or private sale by the State Fish and Game Warden, and the proceeds from the sale of the same \* \* \* turned into the State Fish and Game Fund. \* \* \* Unless otherwise provided, all carcasses, hides, pelts or other portions of any animals, birds or fish protected by the provisions of this Act and the taking or killing of which is prohibited by law, may be seized and confiscated by the State Fish and Game Warden, or any of his deputies or by any sheriff, constable or other officer of



the law, wherever the same may be found, and upon being so seized and confiscated shall be sold under the direction of the State Fish and Game Warden or the officer seizing the same at public or private sale and the proceeds from the sale thereof turned into the State Fish and Game Fund, unless otherwise provided. Any person having in his possession any carcass, hide, pelt or other portions of any animal, bird or fish protected by the provisions of this Act and the taking or killing of which is prohibited by law, shall be guilty of a misdemeanor.

### PENALTIES.

SECTION 42. Any person or persons, company or corporation, agent or employe who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall, except where a special penalty is provided, be fined in a sum of not less than \* \* \* Twenty-five Dollars (\$25.00), nor more than Three Hundred Dollars (\$300.00) and the cost of the prosecution or by imprisonment in the county jail for not \* \* \* less than thirty (30) days nor more than six (6) months, or may be punished by both such fine and imprisonment, within the discretion of the court; Provided, however, That any person or persons, company or corporation, agent or employe who shall violate any of the provisions in regard to the sale or shipment of fish shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for each offense or imprisonment in the County Jail for a period of not less than Ten (10) days nor more than Sixty days (60) or may be punished by both such fine and imprisonment; Provided, further, that any person or persons, company or corporation, agent or employe convicted of selling or shipping fish in violation of the provisions of this Act shall forfeit his permit therefor.

Any person or persons, company or corporation, agent or employe violating any of the provisions of this Act with respect to the protection of deer, mountain sheep, mountain goat, and antelope shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than \* \* \* One Hundred Dollars (\$100.00) nor more than three Hundred Dollars (\$300.00) for each offense or by imprisonment in the county jail for a period of not less than Thirty (30) days nor more than six (6) months, or may be punished by both such fine and imprisonment.

Any person or persons, company or corporation, agent or employe violating any of the provisions of this Act with

respect to the protection of moose, elk, buffalo and caribou, shall be guilty of a misdemeanor and shall be fined in the sum of not less than One Hundred and Fifty Dollars (\$150.00) nor more than Three Hundred Dollars (\$300.00) for each offense or by imprisonment in the County Jail for a period of not less than sixty (60) days nor more than six (6) months, or may be punished by both such fine and imprisonment.

Any person or persons, company or corporation, agent or employe who shall violate any of the provisions of this Act with respect to the taking of fish with seine, net, weir, spear or other contrivance except with a hook and line attached to a pole \* \* \* and held in the hand shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined in a sum not less than \* \* \* Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each offense or by imprisonment in the county jail for a period of not less than twenty (20) days nor more than six months, or by both such fine and imprisonment, and any person or persons, company or corporation, agent or employe violating any of the provisions of this Act with respect to the use of explosives, drugs or other means for the taking or destroying of any fish or game unlawfully, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than One Hundred and Fifty Dollars (\$150.00) nor more than Three Hundred Dollars, (\$300.00) for each offense or imprisonment in the county jail for a period of not less than \* \* \* sixty (60) days nor more than six months (6) or by both such fine and imprisonment.

Any person in the State of Idaho who is convicted of maliciously wasting game or fish is guilty of a misdemeanor.

Any person violating any of the provisions of this Act with respect to the pursuing, hunting, killing or capturing of any calf elk, spotted fawn or the young of mountain sheep is hereby declared to be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each offense or by imprisonment in the county jail for a period not less than ten (10) days nor more than sixty (60) days or may be punished by both said fine and imprisonment.

#### COUNTY ATTORNEY MUST PROSECUTE VIOLATIONS.

SECTION 43. All actions brought for violation of the provisions of this Act shall be in the name of the State of



Idaho, and shall be prosecuted by the County Attorney for the county in which such action is commenced. And the justice of the peace or court trying such action shall in all cases of conviction under this Act, whenever any fine is imposed, order, as a part of the judgment of the court, that the offender shall be committed to jail, there to remain until such fine and costs are fully paid or otherwise legally discharged.

### MUST FURNISH LICENSES AND PERMITS.

SECTION 44. It is hereby made the duty of the State Auditor, immediately after the passage of this act, to prepare and cause to be printed suitable forms of licenses and shipping permits, as provided in this Act, and to deliver to the State Fish and Game Warden such number of blank licenses and blank shipping permits as may be required from time to time for use in the State, taking receipt therefor, and the State Fish and Game Warden shall send by registered mail, or deliver in person, taking receipt therefor, to each deputy warden of the State, such licenses and shipping permits as he may deem necessary and it shall be the duty of such deputies to issue such licenses and shipping permits as may be applied for. And the State Fish and Game Warden shall supervise the selling of licenses and shipping permits throughout the State.

### REPORT ON LICENSE SALES.

SECTION 45. All persons authorized under this act to issue rod and gun licenses and shipping permits shall make a report on the 15th day of each month to the State Fish and Game Warden from whom he received his blank licenses and shipping permits, stating the number of licenses of each class sold by him, during the preceding month, and shall deposit at the same time with the State Fish and Game Warden all moneys received from the sale of licenses, fines or other moneys belonging to the State Fish and Game Fund. On the first days of January, April, July and October of each year, the State Fish and Game Warden shall make a report to the State Auditor showing the number of blank licenses received from the State Auditor by the State Fish and Game Warden; and the total number of each class issued by all officers authorized to issue the same, and shall deposit with the State Treasurer all moneys received by him belonging to the State Fish and Game Fund. And, all persons to whom blank licenses or permits shall have been delivered, as herein provided, shall, at the expiration of their term of office, or upon demand by the State Fish and Game

Warden, turn over and deliver to the said State Fish and Game Warden all mutilated and unsold licenses or permits, and the State Fish and Game Warden shall, in turn, on or before the thirty-first day of March in each year, turn over and deliver to the State Auditor all mutilated and unsold licenses and permits, and each of said officers shall be held responsible for all of such mutilated or unsold licenses and permits not so turned over and delivered.

#### OFFICIALS NEGLECTING TO TURN OVER MONEY.

SECTION 46. Any officer who shall refuse or neglect to turn over, as herein provided, any moneys collected or authorized to be collected, under the provisions of this Act, or who shall fail, neglect or refuse to turn over and deliver all mutilated and unsold licenses and permits, shall be guilty of a misdemeanor. Any such officer, upon conviction, shall immediately be removed from office.

#### FINES COLLECTED.

SECTION 47. All fines and penalties collected for the violation of any of the provisions of this Act or any Act with reference to the protection of the game and fish of this State, including fur bearing animals and non-game birds, under sentence or judgment of any court, judge or justice, shall be paid over by such Court, Judge or Justice within ten days after the receipt thereof, to the State Fish and Game Warden, and such payment shall be accompanied by a statement setting forth the title of the Court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense and the fine and the sentence or judgment imposed; and such moneys shall, by the State Fish and Game Warden be turned over to the State Treasurer and by him credited to the State Fish and Game Fund as in this Act provided.

#### OFFICERS NEGLECTING TO PERFORM DUTIES.

SECTION 48. Any officer under the provisions of this Act, whose duty it is to enforce this law shall be guilty of a misdemeanor, who neglects or refuses to perform any of the duties required to be performed by him under any of the provisions of this Act.

#### STATE FISH AND GAME FUND.

SECTION 49. There is hereby established a fund to be known as "The State Fish and Game Fund," which shall consist of any moneys now in said fund and of all moneys received from the sale of licenses and permits or either of



them of whatsoever kind, nature or class; of all moneys received from fines or forfeitures of whatsoever kind, nature or amount as provided in this Act; and of all moneys received from the sale of such personal property owned by the State Fish and Game Department as may be found of no further use to said Department and from the sale of such articles of personal property as may by said Department be confiscated under the provisions of this Act, including the sale of confiscated fish and game; and of all other funds arising from moneys from whatsoever source or sources derived, and are set aside for the carrying out of the provisions of this act. All moneys derived as aforesaid shall be turned over to the State Treasurer who shall deposit the same in the State Fish and Game Fund as herein provided; and all moneys at any time in said State Fish and Game Fund are hereby appropriated for the purposes of defraying the expenses, debts and costs incurred in carrying out the provisions, objects and purposes of this Act, and for no other purpose whatsoever and all claims against said State Fish and Game Fund shall be carefully and minutely examined by said State Fish and Game Warden, passed by Board of Examiners and certified to the State Auditor who shall thereupon draw his warrant against said State Fish and Game Fund for all bills and claims so allowed.

#### PRESUMPTION FROM POSSESSION.

SECTION 50. The possession of any game *animal*, game bird, game fish or fur bearing animal during the closed season for such game animals, game birds, game fish or fur bearing animals, shall be prima facie evidence that the same was taken unlawfully, except as in this Act otherwise provided; provided that this presumption shall not apply to the possession of the skins or hides of a fur bearing animal, other than beaver hides.

#### BULL FROGS.

SECTION 51. For the purposes of this Act, bull frogs are hereby classed as game fish and it shall be unlawful for any person to hunt, kill or catch the same from any of the public waters of the State without having first procured a license therefor as required by the provisions of this Act for those desiring to fish in the public waters of the State.

#### CLOSED SEASON.

SECTION 52. It shall be unlawful to hunt, catch or kill bull frogs from and including the 15th day of April to and including the last day of May of each year; and any person

hunting, killing or catching bull frogs during said time shall be guilty of a misdemeanor and punishable as such, Provided that it shall be unlawful for any person or persons to sell or offer for sale, or to purchase any bull frogs, or any part thereof, and any person found guilty of violation of the provisions of this Act shall be guilty of a misdemeanor and punishable as such.

### FUR BEARING ANIMALS.

SECTION 53. (a) The open season for the hunting or trapping of fur bearing animals, *except bear*, shall be as follows: From and including the first day of October and to and including the 31st day of March of the year following.

(b) No flesh of any game bird or game animal shall be used for bait in trapping or taking fur bearing animals.

(c) It shall be unlawful to destroy, disturb or remove the trap or traps of any licensed trapper within this State.

(d) The traps or other trapping equipment of any person trapping except as provided in this Section shall be seized by the State Fish and Game Warden or any officer charged with the enforcement of the game laws and may be sold and the moneys received from such sale shall be converted into the State Fish and Game Fund.

(e) It shall be unlawful for any person or persons to destroy or injure any muskrat house at any time except where such muskrat house is an obstruction to a private or public ditch or watercourse and then only in accordance with subdivision (i) of this Section.

(f) The State Fish and Game Warden shall be furnished with a verified report in writing under oath, from all persons holding a trapper's license at the expiration of the trapping season, or within ten days thereafter, of the number and kinds of fur bearing animals caught and killed during the open season, where sold and the amount derived from the sale thereof. Any trapper failing to make such report shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) together with the costs of prosecution or by imprisonment in the county jail for not less than five (5) nor more than thirty (30) days or by both such fine and imprisonment.

(g) It shall be unlawful to keep any fur bearing animal or animals at any time of the year for the purpose of propagation and sale only; unless a permit so to do shall first



have been obtained from the State Fish and Game Warden. No fur bearing animal or animals which are caught during the closed season shall be kept in captivity. The State Fish and Game Warden shall be furnished by holder of such permit with a verified yearly report under oath showing the number of animals kept in captivity, the number sold and the number on hand. Any person failing to make such report shall be guilty of a misdemeanor.

(h) Nothing in this Act shall be construed to prohibit the buying or having in possession at any time of any fur bearing animal, or animals or the hides or skins thereof, taken or killed either within or without the State; provided, That the burden of proof shall be with the trapper or dealer to prove that the skins or hides of fur bearing animals were taken at such time as such killing or taking was lawful.

(i) Nothing in this Act shall be construed to prevent any person or persons from protecting his or their own premises from the depredations of any fur bearing animal or animals enumerated in this Act; provided, that when any of the animals mentioned in this Act are doing damage to or destroying any property or are likely to damage or destroy any property, the person or persons whose property is being or is likely to be damaged or destroyed, may make complaint and report the facts to the State Fish and Game Warden who shall, either in person or by Deputy Game Warden investigate the conditions complained of and if it appears that the complaint is well founded and the property of such complainant is being or is likely to be damaged or destroyed by any such animal or animals, the State Fish and Game Warden may grant permission, properly safeguarded, to the complainant to kill such animal or animals or to destroy the houses, dams or other structures erected by them; provided further, that it shall be unlawful for any person or persons to injure or kill any fur bearing animal or to destroy the houses, dams or other structures erected by them for the purpose of protecting his or their property from the depredations thereof, except as specifically provided in this Section, and no permission shall be required to destroy muskrats in irrigated districts.

(j) There shall be paid annually to the livestock sanitary board the sum of Twenty-five Hundred Dollars (\$2500) out of the state fish and game fund, to be used for paying bounties on predatory animals, only.

If any section or part of section of this Act shall be declared unconstitutional, it shall not effect any other section or part of section thereof.

All Acts or parts of Acts in conflict with this Act are hereby repealed but nothing herein contained shall be construed to amend or repeal the provisions of an act of the 15th session of the legislature, designated senate bill 19, entitled, 'An Act in relation to the civil administration of the State' etc., approved February 19, 1919.

An emergency existing therefor this Act shall be in force and effect from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 66.

(H. B. No. 247.)

### AN ACT

AUTHORIZING THE STATE TREASURER TO REFUND CERTAIN SUMS OF MONEY TO WIDOWS WHO, THROUGH ERROR AND MISTAKE PAID AN INHERITANCE OR SUCCESSION TAX UPON THEIR PORTION OF COMMUNITY PROPERTY; MAKING AN APPROPRIATION TO CARRY OUT THE PROVISIONS OF THIS ACT; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That in all cases where widows have paid an inheritance or succession tax upon their share of community property, the State Treasurer of the State of Idaho is empowered, and it is hereby made his duty, to refund such amounts as have been paid into the State Treasury to such widow upon proper showing to said State Treasurer.

SECTION 2. To carry out the provisions of this Act, there is hereby appropriated out of the general fund of the State the sum of \$516.37.

SECTION 3. An emergency existing therefor, this Act shall take effect and be in force and effect from and after its passage and approval.

Approved March 14, 1919.

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## CHAPTER 67.

(H. B. NO. 46.)

### AN ACT

CREATING A COMMISSION TO DECIDE UPON A UNIFORM



STYLE AND DESIGN OF MEMORIAL TO BE ERECTED AT EACH COUNTY SEAT IN THE STATE OF IDAHO, TO THE MEMORY OF THE DECEASED SOLDIERS, SAILORS, AND MARINES FROM THE STATE OF IDAHO, WHO LOST THEIR LIVES IN THE LATE WAR WITH GERMANY AND HER ALLIES, MAKING AN APPROPRIATION THEREFOR, PROVIDING THE AMOUNT TO BE CONTRIBUTED BY EACH COUNTY DESIRING TO RECEIVE A PORTION OF SUCH APPROPRIATION, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there is hereby created a commission to consist of three (3) persons to be appointed by the Governor within thirty days after the close of the present session of the Legislature, said commission to receive no compensation for their services, but shall be allowed reimbursement for their necessary expenses while performing their duties, but not to exceed five hundred dollars (\$500.00) to each of said Commissioners, said Commission to meet sixty days after their appointment at Boise, Idaho, and determine the kind, character, design, and style of memorial to be erected at the County Seat of each County in the State of Idaho, to the memory of deceased soldiers, sailors, and marines who lost their lives in the late war with Germany and her Allies. Said Commission to have full power and authority to determine the kind, character, design, and style of said memorial to be made for and in behalf of the citizens of this State and for that purpose, there is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) for the purpose of carrying into effect the provisions of this Act.

SECTION 2. That each county in the State of Idaho shall be entitled to receive from the State of Idaho, for the erection of such memorial, the sum of one thousand dollars (\$1,000.00) whenever the County Commissioners of said county shall appropriate at least one thousand dollars (\$1,000.00) to be used with the money granted by the State of Idaho for the erection of said memorial. Each memorial erected with the State aid hereinbefore provided for shall be of the character, design, and style decided upon by the said Commission. And in addition to the appropriation of at least one thousand dollars (\$1,000.00) to be made by each county desiring to receive the sum of one thousand dollars from the State of Idaho, the said County Commissioners of said county must provide a suitable location for the erection

of said memorial, and also submit to said commission the plans and specifications of its proposed memorial giving full detail, and no portion of the sum hereby appropriated shall be paid to any county until the county shall certify to the commission herein provided for, that at least one thousand dollars has been appropriated and is available for the erection of said memorial and that a suitable site has been provided, and said plans and specifications have been approved by the said Commission.

SECTION 3. All counties shall be given two years from the passage and approval of this act to avail themselves of the privileges thereof, then all remaining funds shall be turned over to the Treasurer of the State of Idaho and be placed in the general fund.

SECTION 4. Whereas an emergency exists therefor, this act shall be in force and effect from and after its passage and approval.

Approved March 15, 1919.

## CHAPTER 68.

(S. B. No. 27.)

### AN ACT

TO PROVIDE FOR THE APPORTIONMENT OF FOREST RESERVE FUNDS RECEIVED BY COUNTIES FOR THE CONSTRUCTION OF ROADS AND THE CONSTRUCTION, SUPPORT AND MAINTENANCE OF PUBLIC SCHOOLHOUSES AND SCHOOLS, AND FOR THE APPORTIONMENT BY COUNTY SUPERINTENDENTS OF THE SAID FUNDS TO SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That whenever the treasurer of any county in which there is a forest reserve receives from the State Treasurer any apportionment of Federal funds, as provided in Section 122 of the *Compiled Laws* of Idaho, by which Act twenty-five per cent of the proceeds of National forests within the State are set apart for the construction, support and maintenance of roads and schools, the said treasurer shall at once apportion seventy-five per cent of the moneys so received from the State Treasurer for the use of roads of said county, as provided by law, and twenty-five per cent of said apportionment as a fund for the construction, support and repair, and maintenance of public school houses



and schools; the apportionment thus made to be known as the Forest Reserve School Fund.

SECTION 2. The county treasurer shall at once notify the county superintendent of public instruction of said apportionment, and the county superintendent shall enter the same in the apportionment records of his office under the title "Forest Reserve School Fund."

SECTION 3. It shall be the duty of the county superintendent of public instruction, on or after the first day of January of each year, to apportion such sum or sums as may be deemed by him advisable, not exceeding the total amount in such funds, to such districts within the county as in his judgment have most urgent need of the same, all things considered, for the construction, repair, support and maintenance of public school houses and schools within the said district, giving the preference when other conditions are equal (1) to such districts as have within their boundaries any portion of the Forest Reserve, and (2) to those districts which, on account of sparse population or small assessed valuation, are least able to provide for the necessary facilities for common school education; the balance, if any, being apportioned in accordance with the principle laid down in Section 110 of *Chapter 38 of the Compiled Laws of 1918* to those districts which, having levied a special tax of ten mills, have not sufficient funds including the regular apportionment to maintain the minimum term of school as *required* in Section 80, *Chapter 38 of the Compiled Laws of 1918*.

SECTION 4. The apportionment of the Forest Reserve School Fund thus made shall be paid for the purposes indicated by the county treasurer upon warrants, in the same manner in which other school funds are paid.

SECTION 5. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 15, 1919.

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## CHAPTER 69.

(S. B. No. 189.)

### AN ACT

AMENDING SECTION 27 OF ARTICLE 111 OF AN ACT OF THE FIFTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO, ENTITLED "AN ACT IN RELATION TO

THE CIVIL ADMINISTRATION OF THE STATE," ETC., BEING SENATE BILL NUMBER 19, AS AMENDED, OF THE PRESENT SESSION OF THE LEGISLATURE, APPROVED FEBRUARY 19, 1919; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ACT SHALL BE IN FORCE AND EFFECT FROM AND AFTER THE 31ST DAY OF MARCH, 1919.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 27 of Article 111 of the Act of the Fifteenth Session of the Legislature of the State of Idaho, entitled "An Act in Relation of the Civil Administration of the State," etc., being Senate Bill Number 19, as amended, of the present session of the Legislature, approved February 1919, be and the same is hereby, amended to read as follows:

"Section 27. \* \* \* All moneys received by the Department of Agriculture from gate receipts, subscriptions, donations or sources other than by direct legislative appropriation \* \* \* are hereby perpetually appropriated for the purposes for which received, and all such moneys for or belonging to the Northwest Livestock Assn., the State Fair of Idaho or the Idaho State Seedgrowers' Association, other than appropriations from the State, need not be deposited in the treasury of the State of Idaho, nor need claims payable therefrom be audited or allowed as claims against the State; but such funds belonging to the Northwest Livestock Assn., shall be deposited with and held in the custody of its treasurer; those belonging to the State Fair of Idaho shall be deposited with and held in the custody of its treasurer; those belonging to the Idaho State Seedgrowers' Association shall be deposited with and held in the custody of its treasurer; and such funds received for or by each or any of the said institutions shall be expended by and under the authority of the board of directors of the institution to which the same belong; and it shall be the duty of the board of directors of each of said institutions to render, on or before the 31st day of December of each year, to the Commissioner of Agriculture, a full, true and complete accounting of funds received or expended pursuant to the authority of this section."

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after the 31st day of March, 1919.

Approved March 15, 1919.



**CHAPTER 70.**

(S. B. No. 49.)

**AN ACT**

AMENDING SECTION 1621, CHAPTER 127, OF THE COMPILED LAWS OF THE STATE OF IDAHO, RELATING TO CONTRACTS FOR THE IRRIGATION OF CAREY ACT LANDS, AND DECLARING EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 1621 of the Compiled Laws of Idaho, be, and the same is, hereby amended to read as follows:

Section 1621. Upon the withdrawal of the land by the Department of the Interior, it shall be the duty of the Board to enter into a contract with the parties submitting the proposal, which contract shall contain complete specifications of the location, dimensions, character and estimated cost of the proposed ditch, canal or other irrigation works, the amount of water per acre which said works will make available at the water user's headgate, the price and terms per acre at which such works and perpetual water rights shall be sold to settlers and the price and terms upon which the State is to dispose of the lands to settlers. This contract shall not be entered into on the part of the State until the withdrawal of the lands by the Department of the Interior and the filing of a satisfactory bond on the part of the proposed contractor, which bond shall be in a penal sum equal to five per cent of the estimated cost of the works, and shall be conditioned for the faithful performance of the provisions of the contract with the State. *Should it appear at any time, in the judgment of the Board, that the water supply of the party or parties with which such contract had been made, is inadequate to properly and sufficiently irrigate the lands so proposed in said contract to be irrigated, or that water rights have been sold to the full carrying capacity of the proposed ditch, canal or other irrigation works, or that water rights have been sold by said party or parties to the full amount or in excess of the actual appropriation of water made by said party or parties or to the full amount or in excess of the supply of water made actually available by said parties, then in that event the Board shall have the right to enter an order forbidding said parties from making any further or additional sales of water rights or of shares of stock in any Company representing or evidencing water rights, and after the entry of*

*such order all further or additional sales of such water or water rights, shares of stock and contracts to sell the same made by said party or parties shall be null and void, and said Board shall have the power to refuse to issue entrymans' certificates thereon.*

SEC. 2. *This Act shall apply to contracts heretofore made as well as contracts hereafter to be made by the Board.*

SEC. 3. *An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.*

Approved March 17, 1919.

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## CHAPTER 71.

(S. B. No. 110.)

### AN ACT

AMENDING SECTION 2315 OF CHAPTER 159 OF THE COMPILED LAWS AND INSERTING IN SAID CHAPTER A NEW SECTION DESIGNATED SECTION 2316gl AUTHORIZING THE ISSUANCE BY MUNICIPAL CORPORATIONS OF BONDS FOR THE PURPOSE OF ERECTING SOLDIERS' MEMORIALS, AND AN EMERGENCY EXISTING THEREFOR.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 2315 of Chapter 159 of the Compiled Laws is amended to read as follows:

"Sec. 2315. PURPOSES FOR WHICH BONDS MAY BE ISSUED: LIMITATION ON AMOUNT. Every municipal corporation incorporated under the laws of the territory of Idaho or of the State of Idaho shall have power and authority to issue municipal coupon bonds not to exceed at any time in aggregate 10 per cent of the assessed full cash valuation of the real estate and personal property in said municipal corporation, according to the assessment of the preceding year, for any or all of the purposes specified in the following sections, 2315a to 2315gl, inclusive."

SEC. 2. Section 2315gl of Chapter 159 of the Compiled Laws is hereby inserted to read as follows:

"Sec. 2315gl. SOLDIERS' MEMORIALS. To provide for the purchase, erection, construction and furnishing of soldiers' memorials consisting of such public buildings or



monuments and building sites for the use of such municipal corporation and for the entertainment of soldiers of the late European war."

SEC. 3. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 72.

(H. B. No. 144.)

### AN ACT

AMENDING SECTION 1220 OF THE COMPILED LAWS OF IDAHO, RELATING TO DOGS, BY ADDING THERETO TWO PARAGRAPHS, TO BE KNOWN AS SECTIONS 1220a and 1220b; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. *Section 1220 of the Compiled Laws of Idaho is amended by adding thereto two paragraphs to be known as Sections 1220a and 1202b as follows:*

*Section 1220a. Any person who, after complaint has been made by any person to the Sheriff, who shall serve a copy of said notice upon such person complained of, willfully or negligently permits any dog owned or possessed or harbored by him to be, or run, at large without a competent and responsible attendant or master, within the limits of any city, town, or village or in the vicinity of any farm, pasture, ranch, dwelling house, or cultivated lands of another, or who willfully or negligently fails, neglects or refuses to keep any such dog securely confined within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant or master, shall be guilty of a misdemeanor.*

*Section 1220b. From and after the passage of this Act there shall be assessed, levied and collected, in the same manner in which other taxes are now assessed, levied and collected, annually in each of the counties of this state, from the owners or keepers of dogs, taxes to the following amount, namely: For each male dog, a sum to be fixed by the County Commissioners of their respective Counties, of not more than two dollars, and for each female dog a sum of not more than four dollars, excepting such female dog be spayed, in which case the amount of tax so levied and col-*

*lected shall be equal to that upon male dogs as hereinbefore provided, to be paid to the Treasurer of the County in which the same is collected. Provided further, That no dogs shall be assessed until they arrive at the age of four months.*

SEC. 2. *Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.*

Approved March 17, 1919.

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## CHAPTER 73.

(H. B. No. 149.)

### AN ACT

TO AMEND ARTICLE 16 OF CHAPTER 133 OF THE COMPILED LAWS OF IDAHO BY ADDING THERETO SECTION 213 AND 214, PROVIDING FOR APPEALS TO THE DISTRICT COURT, FROM ACTS AND DECISIONS OF THE COUNTY COMMISSIONERS WHEN SITTING AS A BOARD OF EQUALIZATION; PRESCRIBING THE PROCEDURE THEREFOR: AND ALSO AMENDING ARTICLE V OF CHAPTER 133 OF THE COMPILED LAWS OF THE STATE OF IDAHO BY ADDING THERETO SECTIONS 96-1, 96-2, 96-3, 96-4, 96-5, AND 96-6, EMPOWERING THE STATE BOARD OF EQUALIZATION TO MEET IN SPECIAL SESSION TO CORRECT ERRORS OR OMISSIONS IN ASSESSMENTS OF PROPERTIES ENUMERATED IN SAID ARTICLE V OF CHAPTER 133 OF THE COMPILED LAWS OF IDAHO AND PRESCRIBING HOW SUCH ERRORS OR OMISSIONS MAY BE CORRECTED AND PROVIDING FOR RELIEF ON ACCOUNT OF ERRORS MADE IN ASSESSMENTS AS MADE BY THE STATE BOARD OF EQUALIZATION, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there shall be added to Article 16 of Chapter 133 of the Compiled Laws of Idaho sections 213 and 214 and which shall read as follows:

SECTION 213. Any time within 20 days after the adjournment of any meeting of the board of county commissioners, sitting as a board of equalization, an appeal may be taken from any act, order or proceeding of the board, by any person aggrieved thereby, or by any taxpayer of the county when he deems any such act, order or proceeding illegal or prejudicial to the public interest, but nothing in



this act shall be construed so as to suspend the payment of taxes pending said appeal.

SECTION 214. The procedure upon such appeal and the power of the courts in relation thereto shall be in all respects the same as are prescribed in sections 1951, 1952 and 1953 of chapter 139 of Compiled Laws of Idaho, providing for appeals from other orders of the board of county commissioners.

SEC. 2. That there shall be added to Article V of Chapter 133 of the Compiled Laws of Idaho six new sections, 96-1, 96-2, 96-3, 96-4, 96-5, and 96-6, and which shall read as follows:

SECTION 96-1. That it shall be the duty of each county auditor in the State of Idaho, upon receipt of certified statements of the assessment of property provided for in Section 86 of Article V of Chapter 133 of the Compiled Laws of Idaho to carefully compare the same with the previous years assessment on each separate assessment, and if any errors are made by the State Board of Equalization, or if in the opinion of the County Auditor any property in the county subject to assessment by the State Board of Equalization, has not been assessed by such State Board or that any assessment as certified is erroneous it shall be the duty of the County Auditor, as soon as any error or omission in such statement is discovered, to forthwith notify the State Auditor of such error or omission, with as full an explanation as can be made by such County Auditor. The County Auditor shall send a duplicate copy of any such notice and explanation sent to the State Auditor, to the office of the owner or nearest managing agent of any property which may be effected by any change in assessment under the provisions of this act.

SECTION 96-2. Upon the receipt of any such notice or notices by the State Auditor, he shall transmit the same to the Governor, who shall call a special meeting of the State Board of Equalization for the purpose of correcting any errors made and to assess any property subject to assessment by the State Board of Equalization which may have been omitted; notice of at least 10 days of such special meeting shall be mailed by the State Auditor to the owner or nearest managing agent of any property which may be affected by any change in assessment as originally certified.

SECTION 96-3. The State Board of Equalization at such special meeting shall examine into all reports made by the County Auditors, and shall proceed to reassess any

property enumerated in said Article V concerning which complaint has been made by any County Auditor, provided the State Board of Equalization is satisfied that an error has been made in the original assessment, and such State Board shall at the same time assess any property enumerated in said Chapter V which may have been omitted at the regular meeting of the State Board in August of each year.

SECTION 96-4. The procedure before the State Board of Equalization in the reassessment of any property or the assessment of any property omitted at the regular meeting shall be the same as prescribed in Sections 92, 93, 94, and 95 of said Article V of Chapter 133 of the Compiled Laws of Idaho.

SECTION 96-5. As soon as the special session of State Board of Equalization shall have adjourned it shall be the duty of the State Auditor to prepare and transmit certified statements of any corrected assessment or new assessment of property by said board to the County Auditors of the several counties of the State, in accordance with the provisions of Section 96, Chapter 133 of the Compiled Laws of Idaho.

SECTION 96-6. The Governor may call a special session of the State Board of Equalization at any time after the passage and approval of this act, for the purpose of correcting any errors or omissions *in assessments* made by the State Board of Equalization, and at such meeting, the said Board shall hear any complaints of erroneous assessments of any property enumerated in said Article V Chapter 133 of the Compiled Laws of Idaho, and may reassess any such property by correcting any errors in such assessments as made, provided, however, *that no such reassessments* shall be raised without first giving the owner or managing agent notice of the special meeting as provided in Section 96-2 of this act. Any such reassessments, made by the State Board of Equalization, or the assessment of any property not previously assessed under the provisions of this Section shall have the same force and effect as if the assessment was made in the manner provided in said Article V at the meeting of the State Board provided therein, and any corrections made or omissions supplied by such Board as in this Section provided, shall be certified to the County Auditors of the several counties of the State wherein any property effected may be situated, in the manner provided in Section 96 of said Chapter 133 of the Compiled Laws of Idaho.

SEC. 3. *Be it further provided that any property which*



*has escaped taxation in the previous year shall be assessed by said board on an equalized value, as with other property assessed in the preceding year, and such value shall be added to the value of the assessment for the current year.*

SEC. 4. An emergency existing therefor, this Act shall take effect from and after its passage and approval by the Governor.

Approved March 17, 1919.

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## CHAPTER 74.

(H. B. No. 189.)

### AN ACT

RELATING TO HIGHWAY DISTRICTS REPEALING THE SECTIONS 62:2, 62:6, 62:6a, 62:6b, and 62:6c OF THE COMPILED LAWS OF THE STATE OF IDAHO, AND TO ADD CERTAIN NEW SECTIONS TO BE KNOWN AS 62:2, 62:6a, 62:6b, 62:6c; PROVIDING FOR THE CREATION AND ORGANIZATION OF HIGHWAY DISTRICTS AND PROVIDING FOR THE CREATION AND ORGANIZATION OF HIGHWAY DISTRICTS FROM A PART OF ANY HIGHWAY DISTRICT HERETOFORE OR HEREAFTER CREATED; PROVIDING FOR THE DIVISION OF PROPERTY OF THE ORIGINAL DISTRICT AND ALSO PROVIDING THAT NONE OF THE LANDS TAKEN FROM THE ORIGINAL DISTRICT SHALL HEREBY BE RELEASED FROM LIABILITY FOR ASSESSMENTS THERETOFORE MADE BY THE ORIGINAL DISTRICT TO PAY THE BONDS AND INTEREST THEREON OF SUCH ORIGINAL DISTRICT OUTSTANDING AT THE TIME OF THE CREATION OF THE NEW DISTRICT OR ANY EXTENSION THEREOF; DEFINING THE RELATION BETWEEN THE ORIGINAL DISTRICT AND THE NEW DISTRICT AND PROVIDING FOR THE MANNER OF LEVYING OF A SPECIAL TAX TO PAY SAID BONDED INDEBTEDNESS AND REQUIRING THE DEBTOR DISTRICT TO LEVY A TAX TO PAY A CERTAIN PERCENTAGE OF ITS INDEBTEDNESS TO THE CREDITOR DISTRICT, AND PROVIDING FOR THE HOLDING BY SAID SPECIAL ELECTION AND THE COST THEREOF AND REPEALING CONFLICTING LAWS AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Sections 62:2, 62:6, 62:6a, 62:6b, 62:6c of the Compiled Laws of the State of Idaho be, and

the same are hereby repealed and the following new sections are hereby enacted:

Section 62:2. Whenever 50 or more of the holders of title or evidence of title to lands aggregating not less than 20,000 acres of contiguous territory or consisting of contiguous territory of less extent but having an assessed valuation of at least \$1,000,000 at the last preceding county assessment desire to provide for the organization of the same as a highway district, none of their said lands being included within the boundaries of an already created and organized highway district, they may propose the organization of a highway district under the terms of this chapter.

And whenever 50 or more of the holders of title or evidence of title to lands wholly within the limits of a highway district heretofore or hereafter created under this chapter, desire to provide for the organization of the same as a highway district separate and apart from such original highway district, they may also propose the organization of a new highway district under this chapter: PROVIDED, That such existing highway district contains an aggregate of not less than 200 square miles of land therein and the new district and the original district, as they will exist after the creation of the new district, each will have not less than 20,000 acres of land therein, and having an assessed valuation of at least \$1,000,000, as determined by the last preceding county assessment.

PROVIDED, That said holders of title or evidence of title shall hold such title or evidence of title to at least one-tenth part of the total area of land in the proposed district which will be assessable for the purposes of the district. Or such organization may be proposed and such petition signed by a number of adult residents within the proposed district equal to at least 20 per cent. of the aggregate of all the votes cast for governor at the election precincts within such proposed district at the last general election.

The equalized county assessment list last preceding the presentation of the petition for the organization of the proposed highway district shall be sufficient evidence of title or of assessed value for the purpose of this chapter, but other evidence may be received, including receipts or other evidence of the rights of entrymen on lands under any law of the United States or of this state, and such entrymen shall be competent signers of such petition and the lands on which they shall have made such entries shall, for the purpose of said petition, be considered as owned by them.



Section 62:6. Immediately after any election for voting upon the organization of a highway district, the judges of said election shall forward the official results of said election to the clerk of said board of commissioners. The said board of commissioners shall meet within 10 days after said returns are received and shall proceed to canvass the votes cast at such election, and if, upon such canvass, it shall appear that one-half or more of said votes are "..... highway district, no," then a record of that fact shall be duly entered upon the minutes of said board, and all proceedings in regard to the organization of said district shall be void. If, however, it shall appear, upon such canvass, that more than one-half of the votes cast are "..... highway district, yes," the said board shall, by order entered on its minutes, declare such territory duly organized as a highway district under the name designated in the petition. After the election the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof and in no event shall any action be commenced or maintained or defense made affecting the validity of such organization after six months from and after the making and entering of the order provided for in this section. Said board shall cause one copy of such order, duly certified, to be immediately filed for record in the office of the county recorder of the county in which such district is situated and shall transmit to the governor one certified copy thereof.

From and after the date of such filing of said order of the board or boards of county commissioners declaring such territory duly organized as a highway district, the organization of such district shall be complete. PROVIDED, That wherever the proposed highway district is included within the boundaries of one or more counties, the board of county commissioners of the various counties affected shall jointly call said election in a like manner as other elections, and the judges of said election shall forward the official results thereof to the clerk of the board of commissioners of their respective counties, who shall proceed to jointly, with such other boards of commissioners affected, canvass and declare the results thereof. All the provisions of this section shall apply in a like manner to the various boards of commissioners as if said proposed highway district were to be organized wholly within the boundaries of a single county.

Section 62:6a. If the highway district so declared organized shall have been created out of territory which pre-

vious thereto was a part of and included within the boundaries of an already created and organized highway district, then none of the lands taken from the original district and so organized into a new highway district shall thereby be released from liability for assessments previously or thereafter levied by the original district for the purpose of paying any bonds of such original district outstanding at the time of the creation of such new district, but such lands taken from the old district into the new district shall continue to be liable for and shall thereafter be assessed by the old district for the necessary taxes to pay such outstanding bonds or any extension thereof and interest thereon as the same become due, as provided by this chapter. And all property belonging to the original district shall belong to the original district and the new district created therefrom in proportion to the assessed valuation of the taxable property of the two districts, as shown by the assessment roll of the year prior to the creation of the new district, and within 10 days after the qualification of the commissioners of the new district the commissioners of each district, respectively, shall meet and each of said board shall appoint a competent accountant. Said accountants shall constitute an auditing board and board of appraisers and shall, within five days after their appointment, meet at the office of the highway board of the original district and, after taking the usual oath of office, shall then and there proceed to ascertain the whole amount of indebtedness, if any, other than bonded indebtedness and interest thereon, of said original district as it existed prior to the subdivision thereof, and shall make a statement of and determine the value of all the property belonging to the original district at the time of the creation of the new district and shall compute from the assessment roll of the county for the year prior to the creation of the new district the total taxable property of each of said districts and shall determine the amount of money in the possession or under the control of the original district at the time of the creation of the new district and all moneys to which it is then entitled or to which it will be entitled from taxes then levied and extended, but not yet collected, and shall determine the value of all and any public improvements, roads and bridges constructed prior to, up and until the creation of the new district in both the original district and the new district and shall make a full statement and report of all of said matters and of all other matters proper to be audited and reported upon in order to make a full and satisfactory adjustment and settlement between said districts, with their conclusion



as to the amount due from one district to the other, and shall file a copy of such statement, report and conclusion with the highway boards of each of said districts. In the event of a disagreement of said accountants as to any of the matters included in their duties as above specified and defined, they shall choose a competent third person to assist them, and the decision of any two shall control. Either of said districts may, if dissatisfied with the statements, reports or conclusions of said accountants, appeal to the district court of the county in which the original district is situated. For whatever amount is found to be due from either of said districts to the other in the manner above provided, the highway board of the debtor district shall cause its warrant to be drawn for the amount so due, payable to the creditor district. Said accountants shall be allowed reasonable compensation for their services, each to be paid by the district making his appointment, and in the event of a third one being employed one-half of his compensation shall be paid by each of said districts. In making such statement, report and conclusion as to the apportionment between said original district and said new district said accountants shall, as nearly as possible, ascertain and fix the value of all public improvements, roads and bridges constructed prior to the creation of the new district, and shall ascertain the difference in the value of said public improvements, roads and bridges located in the new district, as compared with the public improvements, roads and bridges located within the original district, and shall determine from said statement, report and conclusion the debtor and creditor district. For whatever amount is found to be due from either of said districts to the other, as ascertained by the accountants from the respective values of the public improvements, roads and bridges, as above set forth, the highway board of the debtor district shall cause its warrants to be drawn for the amount so due, payable to the creditor district: Provided, however, that said account shall, as nearly as practicable, divide between the respective districts proportionately all chattel property which is capable of division. No moneys on hand, received from taxes levied and collected for the payment of principal or interest of bonds, shall be taken into consideration by said accountants in the making of such settlement. Any papers or plats relating entirely to improvements theretofore made in the new district shall, within 30 days after the creation of the new district, be turned over to the highway board of the new district by the officers of the old district, and the officers of the new district shall, at all reasonable times, have access to

the records, papers and plats of the old district relating to improvements made within the boundaries of the new district prior to its creation.

Section 62:6b. Whenever an amount is found to be due from either of said districts to the other and where a warrant or warrants have been drawn for the amount so due, payable to the creditor district, and the levy for the first year found to be insufficient for the payment of said warrant or warrants it shall be the duty of the board of highway commissioners of said debtor district to levy annually a tax sufficient to pay annually at least 25 per cent. of said warrant indebtedness or so much of said warrant indebtedness as the limit of levying taxes by highway district as now prescribed by law will permit, and providing further that the commissioner of the old district shall annually levy a property tax for both the old and the new district for the purpose of providing a sinking fund to pay the bonded indebtedness of said original district at the time of said division. Upon any such levy being made by the Board of Commissioners of the old district, it shall be the duty of the clerk of said board to transmit to the Board of Commissioners of the new district a certified copy of the resolution providing for said tax, and it shall be the duty of said Board of Commissioners of the new district to spread said resolution on its minutes and a tax shall be levied on said new district in accordance with said resolution and collected in like manner as other special highway district taxes are collected, and paid as rapidly as collected by the tax collector of the county in which the new district is situated, to the treasurer of the old district who shall credit same to the sinking fund to liquidate the aforesaid bonded indebtedness.

Section 62:6c. The cost of holding said special election, if favorable to, and the creation of said new district is approved by a majority vote, as provided for in this chapter, shall be paid by said new district and chargeable to its portion of liabilities between it and the original district at the settlement of the indebtedness to be apportioned between said districts.

SEC. 2. All acts or parts of acts in conflict with this act are hereby repealed.

SEC. 3. Whereas an emergency exists therefor, this act shall take effect immediately on its passage and approval.

Approved March 17, 1919.



**CHAPTER 75.**

(H. B. No. 212.)

**AN ACT**

RELATING TO THE ASSESSMENT AND COLLECTION OF TAXES; AMENDING SECTIONS 98, 99, 99b, 110, 111, 113, 148, 150, 151, 152, 153, 154a, 154b, 156, 157, 158, 164, 165, 167a, 168, 169, 177, 178, 179, 180, 181, 182, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 198a, 199, AND 202, 206 AND REPEALING SECTIONS 171a, 171c, AND 171d OF CHAPTER 133 OF THE COMPILED LAWS AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 98 of chapter 133 of the Compiled Laws is amended to read as follows:

“133:98. COUNTY LIABILITY FOR STATE TAXES. Each county in this state is liable to the state for the full amount of all state taxes apportioned to such county by the state board of equalization, and such taxes must be paid to the state in full, without deductions, before the second Monday in July in the succeeding year. All state taxes must be collected and paid into the county treasury and apportioned to the state fund, \* \* \* \*. If, on account of uncollected taxes, there is not sufficient money in the county treasury to the credit of the state fund to pay such state taxes in full within the time prescribed by this chapter when such taxes must be paid, the same must be paid within the time prescribed therefor out of any county money in the hands of the county treasurer, and when so paid shall be charged to the state fund, but no transfer of money from any county fund to the state fund shall be made upon the books of the county auditor to county treasurer on account of any such temporary deficiency in the state fund.”

SEC. 2. Section 99 of chapter 133 of the Compiled Laws is amended to read as follows:

“133:99. ANNUAL COUNTY TAX LEVY: CURRENT EXPENSE FUND. The board of county commissioners of each county in this state must levy annually upon all taxable property of said county a tax for general county purposes, to be collected and paid into the county treasury and apportioned to the county current expense fund, which levy shall not exceed 50 cents on each \$100 of the assessed valuation of said property in counties where the assessed valuation is \$7,500,000 or over, and 75 cents on each \$100 of the assessed valuation of said property where the assess-

ed valuation is less than \$7,500,000 for the year in which such levy is made."

SEC. 3. Section 99b of chapter 133 of the Compiled Laws is amended to read as follows:

"133:99b. SAME. BRIDGE FUND. Upon the same property and for the same year the said board may also levy a tax for the repair and construction of bridges, to be collected and paid into the county treasury and apportioned to the county bridge fund, except as otherwise provided by law, which levy shall not exceed 15 cents on each \$100 of such assessed valuation."

SEC. 4. Section 110 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:110. TAXES CHARGED TO TAX COLLECTOR. On delivery of the real property assessment roll to the tax collector, the county auditor must charge the tax collector with all the taxes levied and extended thereon, *the said charge to be a part of the roll and shall contain a summary of the valuations and the taxes and assessments due the state, county and each of the other taxing districts appearing on said roll.*"

SEC. 5. Section 111 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:111. PENALTY FOR AUDITOR'S DERELICTION. If the county auditor fails to complete all alterations, additions and extensions of taxes on the real property assessment roll, and to deliver said roll to the tax collector *with the affidavit and tax charge entered therein*, within the time prescribed by law, he shall forfeit the sum of \$1000 to be recovered upon his official bond for the use of the County."

SEC. 6. Section 113 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:113. WHEN PAYABLE. All taxes extended on the real property assessment roll shall be payable to the tax collector, without penalty on and after the fourth Monday of November in the year in which such taxes are levied, and prior to the *fourth* Monday of *December* next thereafter; and all such taxes which have not been paid prior to the said *fourth* Monday of *December* shall be delinquent, and a penalty of 6 per centum of all such taxes added thereto: Provided, That one-half of such taxes may be paid prior to the said *fourth* Monday of *December* and the remaining one-half of such taxes shall be payable to the tax collector with-



out penalty, on and after the *fourth* Monday of January in the year succeeding the year in which such taxes are levied and prior to the *fourth* Monday of *June* next thereafter; and if such remaining one-half of such taxes is not paid prior to the said *fourth* Monday of *June*, a penalty of 6 per centum of the amount of such remaining one-half of such taxes shall be added thereto: *Provided, That all delinquent state and county taxes collected on and after the second Monday of September of each year shall be apportioned by the county auditor according to the tax levy for the current year.*

SEC. 7. Section 148 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:148. ASSESSMENT OF PERSONAL PROPERTY. The assessor must assess all personal property required by this chapter to be entered on the personal property assessment roll, between the second Monday of January and the fourth Monday of *November* in each year, and must complete said assessment on or before the said fourth Monday of *November*. In making such assessment the assessor shall actually determine, as nearly as practicable, the full cash value of each piece of personal property assessed and \* \* shall enter the amount and value of each class of personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. \* \* \* The tax levies *shall be extended* on the aggregate valuation of *said* property, after deducting the amount of any exemptions allowed. \* \* \*"

SEC. 8. Section 149 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:149. COLLECTION OF TAXES ON PERSONAL PROPERTY. *It is hereby made the duty of the assessor, immediately upon assessing personal property whereon the tax is not a lien on real property of sufficient value, in the judgment of the assessor, to insure the collection of such tax, to compute the amount of taxes due on such personal property, based upon the levies for state and county, city, village, road district, school district or other purposes for the preceding year: Provided, That if the assessment is made after the levies for the current year have been fixed, the assessor shall compute the amount of such tax, based upon such levies for the current year; and at the same time the taxpayer must secure the payment of such taxes to the satisfaction of the assessor, or thereupon the assessor must collect such taxes and issue a receipt therefor, upon blanks in the form supplied by the state auditor, in the form prescribed by this chapter.*"

SEC. 9. Section 150 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:150. DISTRAINT AND SALE OF PROPERTY FOR TAX. If the payment of any tax *due* on personal property, as *prescribed in the preceding section*, is refused, or the payment thereof not secured to the satisfaction of the assessor, the assessor must then and there distrain and sell, in the manner provided for the distraint and sale of personal property for taxes, so much of such property as may be necessary to pay such taxes, or forthwith bring suit with attachment in aid of such suit for the amount, or estimated amount, of such taxes due."

SEC. 10. Section 151 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:151. ACCOUNTING FOR COLLECTION. All taxes collected by the *assessor* on personal property \* \*, as provided in this chapter \* \* \*, shall be reported to the county auditor *on the first Monday of each month and paid into the county treasury and apportioned to a fund to be known as the personal property tax fund.*"

SEC. 11. Section 152 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:152. REBATES AND DEFICIENCIES. Any person paying taxes on personal property to the *assessor*, as provided in this chapter, may obtain a rebate for the taxes paid in excess of the amount due, as determined by the board of county commissioners: Provided, That a duly verified claim for such rebate is filed with the clerk of the board of county commissioners on or before the fourth Monday of *November* in the year in which such taxes are paid. *No rebate may be paid, or claim for such rebate considered by the board of county commissioners, where the taxpayer fails to comply with all the provisions of this section.* Any deficiency in the amount of taxes collected by the *assessor* shall, unless paid upon demand, be collected by seizure and sale or suit, as provided by law for the collection of personal property taxes."

SEC. 12. Section 153 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:153. FORM OF TAX RECEIPT. The form of tax receipt referred to in section 149d shall be *in the form to be supplied by the state auditor.*

SEC. 13. Section 154a of chapter 133 of the Compiled Laws is amended to read as follows:



“133:154a. SAME: ASSESSOR’S AFFIDAVIT. The form of the affidavit to be subscribed by the assessor shall be substantially as follows:

State of Idaho. }  
County of \_\_\_\_\_ } ss.

....., being first duly sworn, deposes and says: That he is the duly qualified and acting assessor in and for said county; that between the second Monday of January and the fourth Monday of *November* in the year 19..... he has made diligent inquiry and examination to ascertain all personal property within the county whereon the tax is not a lien on real property of sufficient value to insure collection of such taxes, subject to assessment by him, and that the same has been assessed equally and uniformly and, according to his best judgment, information and belief, at its full cash value; that he has faithfully complied with all the duties imposed upon him under the revenue law; that he has not imposed any unjust or double assessment through malice, ill-will or otherwise; that he has not allowed anyone to escape the just and equal assessment through favor or reward or otherwise; and that he has delivered such assessment or taxpayers' statements to the county auditor, as provided by law.

Subscribed and sworn to before me this ..... day of  
....., A. D. 19.....

Clerk of the board of county commissioners in and for said county and state."

SEC. 14. Section 154b of chapter 133 of the Compiled Laws is amended to read as follows:

“133:154b. SAME: AFFIDAVIT OF DEPUTY ASSESSOR. The form of the affidavit to be subscribed by each deputy assessor shall be substantially as follows:

State of Idaho. }  
County of \_\_\_\_\_ } ss.

The undersigned, being first duly sworn, each for himself, deposes and says: That he is duly qualified and acting deputy assessor in and for said county; that between the second Monday of January and the fourth Monday of *November* in the year 19..... he has made diligent inquiry and examination to ascertain all the personal property within said county or the subdivisions thereof assessed by him whereon the tax is not a lien on real property of sufficient value to insure the collection of such taxes, subject to as-

assessment by the assessor, and that the same has been assessed equally and uniformly and, according to the best of his judgment, information and belief, at its full cash value; that he has faithfully complied with the duties imposed upon him under the revenue law; that he has not imposed any unjust or double assessment through malice or ill-will or otherwise, and that he has not allowed anyone to escape a just and equal assessment through favor or reward or otherwise.

Subscribed and sworn to before me this.....day of  
....., A. D. 19.....

Clerk of the board of county commissioners in and for said county and state."

SEC. 15. Section 156 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:156. COMPLETION AND DELIVERY OF PERSONAL ROLL. The *assessor* must complete the personal property assessment roll on or before the fourth Monday of *November* in each year and must, on or before \* said date, deliver the completed personal property assessment roll, together with all taxpayers' statements and claims for exemptions, relating to the assessments entered thereon, to the clerk of the board of county commissioners. The said assessment roll, taxpayers' statements and claims for exemptions must remain in the office of the said clerk until the meeting of *the said* board, as a board of equalization, in *December* for the inspection of all persons interested."

SEC. 16. Section 157 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:157. PENALTY FOR FAILURE TO COMPLETE PERSONAL ROLL. If the *assessor* fails to complete the personal property assessment roll and deliver the same to the clerk of the board of county commissioners within the time prescribed by law, he shall forfeit the sum of \$1,000, to be recovered upon his official bond for the use of the county.  
\* \* \*"

SEC. 17. Section 158 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:158. ASSESSMENT OF EQUITIES IN STATE LANDS. Equities in state land shall be assessed at *that*



*proportion of the full cash value of the land which the amount paid thereon bears to the total amount of the purchase price.* Refusal to pay the tax levied upon any equity in state land by the owner upon demand by the tax collector shall operate as forfeiture of such equity. Any such refusal shall be reported to the state board of land commissioners by the tax collector and the said board shall thereupon declare such forfeiture and the certificate and contract relating thereto annulled in the same manner as in the case of failure of a purchaser of state land to make any of the payment stipulated and provided in section 1581."

SEC. 18. Section 164 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:164. PAYMENT FOR YEAR IN HOME COUNTY. All migratory live stock must be assessed for the full year in the home county and the taxpayers' statement must show the number, description and marks and brands of the different kinds of such live stock within the said county. In case the taxes for the full year are not paid at the time of removing such stock from the home county and a receipt issued therefor the *assessor* of such county must make out and deliver to the owner of such live stock or his agent a certificate that the payment of such taxes for the full year has been fully secured in said home county."

SEC. 19. Section 165 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:165. ASSESSMENT IN OTHER COUNTIES: TAXPAYERS' STATEMENT. Whenever any migratory live stock is driven into or pastured, or suffered to range or graze, or does range or graze in any county in this state other than its home county, the owner thereof, or his agent, shall within 10 days from the time any such live stock enters such *other* county, notify the assessor thereof that such live stock has entered said county, and at the same time shall make and deliver to the assessor of such other county, upon blanks furnished by the assessor upon request of said owner, or his agent, a written and sworn statement showing the date on which such live stock entered the county, the number, description and marks and brands of the different kinds of such live stock, and the full length of time during the year that such live stock, and every part, portion and kind thereof, will be *within* said county, and at the same time shall produce for the inspection of the assessor, or his deputy, the receipt from the *assessor* of the home county, showing that the taxes on such live stock for the full year have been paid, or the certificate of the *assessor* of such

home county \* \* , that the taxes for the full year have been fully secured in such home county. Thereupon the assessor of such other county shall assess such migratory live stock for taxation in proportion to the portion of *the* year such live stock is kept, driven or pastured or suffered to range or graze, or does range or graze in such other county, and *if the taxes thereon are not a lien on real property of sufficient value, in the judgment of the assessor, to insure the collection thereof, the taxpayer must secure the payment of such taxes to the satisfaction of the assessor, or the assessor must collect such taxes at the time of the assessment, as in this chapter provided, and issue a receipt therefor, and if such taxes are not so collected, must make out and deliver to the owner or his agent, a certificate that the payment of such taxes has been fully secured:* Provided, That if any migratory stock comes in to a county after the assessment roll has been closed for the current year, such migratory stock or personal property shall be assessed and placed upon a subsequent roll for the same current year in the manner provided for the assessment and preparation of the roll, and the same shall be immediately turned over to the tax collector for collection."

SEC. 20. Section 167a of chapter 133 of the Compiled Laws is amended to read as follows:

"133:167a. PENALTY FOR EVASION OF TAX. Any owner or agent of any owner who shall fail or refuse to make any statement required under the provisions of this chapter or who shall make any false statement or who shall remove or suffer to be removed any such \* \* *personal property on which the tax has not been paid or where provisions for securing the payment has not been made* \* \* \* shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount of not less than 30 days and not more than six months, or shall suffer both such fine and imprisonment: Provided, That any person making a false statement under oath shall be guilty of perjury.

SEC. 21. Section 168 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:168. ASSESSOR TO REPORT COLLECTIONS. All taxes on migratory live stock collected by the *assessor*, as in this chapter provided, shall be reported to the county auditor *on the first Monday of each month and paid into the county treasury and apportioned to the personal property tax fund, as in the case of other personal property taxes collected by the assessor.*"



SEC. 22. Section 169 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:169. REBATE AND ADJUSTMENT OF TAX IN HOME COUNTY. Any person paying taxes on migratory live stock may obtain a rebate on the amount paid in excess of the amount due in any county or an adjustment of the amount of taxes levied upon such property: Provided, That a duly verified claim for such rebate is filed with the clerk of the board of county commissioners on or before the fourth Monday of *November* in the year in which such taxes are levied or paid, as in the case of a rebate for taxes on other personal property paid to the *assessor*: And, Provided further, That any claims for rebate or adjustment of taxes paid or taxes levied on migratory live stock in the home county on account of taxes which have been paid or secured for any portion of the same year in another county must be accompanied by the receipt or certificate of the *assessor* of such other county, showing for what portion of the year the taxes on such live stock have been paid or secured in such other county. All such claims for rebates and adjustments shall be examined and passed upon by the board of county commissioners at the annual meeting of such board as a board of equalization in *December* and all rebates allowed on taxes which have been paid shall be remitted upon warrants drawn upon the personal property tax fund, as in the case of rebates for taxes paid on other personal property. *No rebate may be paid, or claim for such rebate considered by the board of county commissioners, where the taxpayer fails to comply with all the provisions of this section.*"

SEC. 23. Section 177 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:177. COLLECTION OF ASSESSMENT: PENALTY FOR DELINQUENCY. All taxes levied on shares of capital stock of such bank, company, association or other corporation or assessed against any private banker or foreign bank or banker shall be collected by the *assessor* and paid by such bank, company, association or other corporation prior to the fourth Monday of *December* in the year such taxes are levied, and such bank, company, association or other corporation shall be liable therefor. If such tax is not paid upon demand by the *assessor*, the taxes, with interest thereon at the rate of 18 per centum per annum from the time of such demand, together with a reasonable attorney's fee, may be recovered as in a civil action brought by the *assessor*."

SEC. 24. Section 178 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:178. ENTRY OF PERSONAL PROPERTY ASSESSMENT IN REAL PROPERTY ROLL. All taxes upon personal property entered upon the personal property assessment roll, where the owners of such personal property are also the owners of real property in the county, which have not been paid at the time of the annual meeting of the board of county commissioners, as a board of equalization, in *December* and which said board finds to be a lien upon the real property shall be certified to the county auditor and the tax collector and so noted opposite the entry of such property upon the personal property assessment roll, and thereupon such taxes must be entered by the tax collector upon the real property assessment roll against the real property subject to such lien in the columns provided for that purpose and must be charged to the tax collector by the county auditor in his account with the tax collector, as other taxes appearing upon the real property assessment roll. The tax collector shall immediately notify the owner of any such real property by mail of any taxes on personal property which have been so entered."

SEC. 25. Section 179 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:179. MEETING OF COMMISSIONERS AS BOARD OF EQUALIZATION. The board of county commissioners of each county in this state shall meet as a board of equalization on the first Monday of *December* in each year for the purpose of equalizing the assessment of all property entered upon the personal property assessment roll and determining complaints in regard to the assessment of such property, and allowing or disallowing exemptions and rebates claimed under the provisions of this chapter affecting the assessment of property entered upon said roll, *and having a settlement with the assessor*, and the said board must complete such business and adjourn on or before the third Monday of *December* in said year."

SEC. 26. Section 180 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:180. EQUALIZATION OF VALUATIONS: EXEMPTIONS. It is hereby made the duty of the board of county commissioners, at the meeting prescribed in the preceding section, to enforce and compel a proper classification and assessment of all property required under the provisions of this chapter to be entered upon the personal



property assessment, and in so doing the said board shall examine such personal property assessment roll, name by name, and the valuation of each item of property assessed and shall raise or cause to be raised or lower or cause to be lowered any assessment of such property which, in the judgment of the said board, has not been assessed at its full cash value, and the said board must determine all complaints in regard to the assessment of such property and must examine and act upon all claims for examinations and rebates filed in accordance with the provisions of this chapter and direct the county auditor to draw warrants on the personal property tax fund in settlement of any rebates allowed, *and must have a final settlement with the assessor on account of all taxes on such property, which settlement, must be recorded in the minutes of the said board.*"

SEC. 27. Section 181 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:181. LIABILITY OF ASSESSOR. The *assessor* shall be liable upon his official bond for the amount of all taxes on personal property which have not been collected or accounted for in his settlement with the board of county commissioners. \* \* \* \* \*

SEC. 28. Section 182 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:182. RECORD OF PROCEEDINGS, COMPLETION OF ROLL. The clerk of the board of county commissioners must keep a record of all proceedings of the said board, as a board of equalization, in the minute book provided for in section 1912, and must enter all exemptions and rebates allowed and all changes and additions ordered by the said board in the assessment roll in the presence and under the direction of the said board, and, as county auditor, he shall receive the personal property assessment roll from the said board as soon as the business of equalizing such assessments and adjusting such taxes is completed, *to remain in his office, and have a settlement with the assessor, and apportion the money remaining in the personal tax fund after deducting the amount of all rebates allowed by the said board among the several funds and accounts, as in the case of other taxes levied for that year, and notify the county treasurer of such apportionment, and the county auditor and county treasurer must each make the necessary entries upon their books to distribute properly the money among the funds and accounts entitled to share in its distribution.*"

SEC. 29. Section 188 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:188. SEIZURE OF PROPERTY FOR REFUSAL TO PAY TAX: DUTY OF ASSESSOR. In case any person refuses to pay the tax levied on any personal property belonging to him when demanded by the *assessor*, the *assessor* \* \* must seize and sell so much of such personal property or any other property of such person as will be sufficient to pay such tax, as estimated by the *assessor*."

SEC. 30. Section 189 of chapter 133 of the Compiled Laws of Idaho is amended to read as follows:

"133:189. SALE. The sale must be made \* \* after one week's notice of the time and place thereof, given by publication in a newspaper of general circulation in the county or posting in three public places, and must be at public auction for cash, and each article seized must be sold separately to the highest bidder."

SEC. 31. Section 190 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:190. DISPOSITION OF PROCEEDS. In such seizure and sale the *assessor* shall collect from the proceeds of the sale, in addition to the estimated amount of taxes, all costs and expenses incurred in publishing or posting the notices of such sale, in making such sale and in keeping and caring for such property \* \* \* ."

SEC. 32. Section 191 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:191. BILL OF SALE. On payment of the amount bid for the property sold the *assessor* shall make out and deliver a bill of sale thereof which, with the delivery of the property sold, vests title thereto, in the purchase."

SEC. 33. Section 192 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:192. RESALE. In the event of the refusal of any bidder to pay the amount bid and complete his purchase the *assessor* may either sue such purchaser upon his bid or forthwith offer the property for resale."

SEC. 34. Section 193 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:193. SALE OF ADDITIONAL PROPERTY. In the event that the property seized shall not bring sufficient money to pay the taxes and costs the *assessor* may seize and sell in like manner additional property liable for the tax."



SEC. 35. Section 195 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:195. PURCHASE BY COUNTY. In the event that no person bids on any property offered for sale, or if such property, in the judgment of the *assessor* exceeds in value the amount of the highest bid made therefor, and the *assessor* deems it for the best interests of the county, he shall bid in such property himself for the county, and the same may be afterwards disposed of by the sale in the same manner as other personal property belonging to the county: Provided, however, That the *assessor* shall not buy in any property for the county when a sufficient sum to defray the taxes and costs of sale \* \* is bid therefor."

SEC. 36. Section 196 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:196. SUIT AND ATTACHMENT IN LIEU OF SEIZURE AND SALE. In lieu of the seizure and sale of personal property, as provided for in this chapter, the *assessor* may collect the estimated amount of taxes on such property, together with the cost of the suit, by suit in the name of the county, *immediately after the assessment thereof*, in which suit and attachment may be issued against any property belonging to the owner of such personal property. It shall be the duty of the *prosecuting* attorney, upon request of the *assessor* forthwith to commence and diligently prosecute such suit."

SEC. 37. Section 197 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:197. EVIDENCE IN SUIT. In any suit prescribed in the preceding section a copy of the assessment, certified by the assessor of the county wherein the property was assessed, with an affidavit of the *assessor* thereto attached that the taxes thereon have not been paid, is prima facie evidence that such taxes are due and entitles him to judgment, unless the defendant proves that the taxes have been paid or that the property was not taxable."

SEC. 38. Section 198 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:198. ACCOUNTING BY ASSESSOR FOR PERSONAL PROPERTY TAX. *On the first Monday of each month the assessor must settle with the county auditor for all moneys collected on account of taxes levied on \* \* property entered upon the personal property assessment roll, and \* \* make a detailed statement, under oath, upon*

blanks *in the form* to be supplied by the state auditor showing the total amount of *all* receipts issued and the amount of money collected for state *and county* purposes \* \*, and for every city, \* \* village, school district, road district or other taxing district \* since his last settlement, and must pay all such moneys into the county treasury upon the certificate of the county auditor, to be apportioned as provided in this chapter."

SEC. 39. Section 198a of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:198a. ACCOUNTING BY ASSESSOR FOR TAXES ON PROPERTY EXCAPING ASSESSMENT. The assessor must have *a* final settlement with the board of county commissioners at the annual meeting of such board as a board of equalization in *December* for all taxes on any real or personal property which, on account of his neglect, has escaped assessment, and for all taxes on property which, under the provisions of this chapter, is required to be entered upon the personal property assessment roll, and have a final settlement with the county auditor. *He must pay into the county treasury, upon the certificate of the county auditor, the amount of any and all money found to be due from him in his final settlement with the board of county commissioners to be apportioned as provided in this chapter. In his final settlement with the board of county commissioners and the county auditor, the assessor shall be given credit for all such taxes which have been cancelled or remitted and for all such taxes which have been transferred and entered upon the real property assessment roll at the time of the annual meeting of the board of county commissioners as a board of equalization in December.* The assessor shall be liable upon his official bond for the amount of all taxes on any and all property which, on account of his neglect, has escaped assessment.

SEC. 40. Section 199 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:199. MONTHLY AND FINAL SETTLEMENT OF TAX COLLECTOR. On the first Monday of each month the tax collector must settle with the county auditor for all moneys collected on account of taxes levied on property entered upon the real property assessment roll \* \* and make a detailed statement under oath, upon blanks in the form to be supplied by the state auditor, showing the amount of money collected for state \* \* and county purposes and for every city, \* \* village, school district, road district or other taxing district, since his last settlement, with reference to the pages



in the collection register where such collections are entered, and must pay all such moneys into the county treasury upon the certificate of the county auditor, to be apportioned as provided in this chapter.

"The tax collector must have a final settlement with the county auditor on the *second* Monday of January in each year for all taxes entered upon the real property assessment roll \* \* of the preceding year, which settlement must be passed upon by the board of county commissioners, as provided in this chapter."

SEC. 41. Section 202 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:202. PENALTY FOR TAX COLLECTOR'S DEFAULT. Any *assessor or* tax collector who shall neglect or refuse to make any payments or settlements within 10 days after the time prescribed therefor in this chapter shall forfeit the sum of \$1000, to be recovered upon his official bond for the use of the county, which penalty shall be in addition to any other penalty to which he may be subject under the provisions of this chapter or any law of this state."

SEC. 42. Section 206 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:206. CANCELLATION AND REFUND OF UNLAWFUL TAX. The board of county commissioners may, at any time when in session, cancel taxes which for any lawful reason should not be collected, and may refund to any tax payer any money to which he may be entitled by reason of a double payment of taxes on any property for the same year, or the double assessment, or erroneous assessment of property through error, and may refund to the owner of any delinquency certificate which has been determined by the board of county commissioners to be void on account of any irregularity of the taxing officers, the amount paid on the sale of such certificate by the county, with interest thereon from the date of such payment at the rate of 6 per centum per annum: Provided, That no refund must be made to the owner of any delinquency certificate who shall fail to commence an action for the foreclosure of the tax lien within the time and as prescribed in this chapter.

"All proceedings of the said board in the cancellation or refund of taxes must be recorded in the minute book provided for in section 1912, and all such refund of taxes must be paid upon warrants drawn on the county current expense fund by the county auditor upon order of the board of county commissioners, *and the auditor shall apportion the*

*amount so cancelled as a credit to the officer charged with the collection and charge the various funds and taxing districts, and in all cases where refund is paid by warrant as provided herein, the auditor shall apportion the amount and charge the various funds and taxing districts their proportionate share and credit current expense."*

SEC. 43. Sections 171a, 171b, 171c, and 171d of chapter 133 of the Compiled Laws are hereby repealed.

SEC. 44. Whereas, an emergency exists therefor, this Act shall be in force and take effect from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 76.

(H. B. No. 225.)

### AN ACT

TO AMEND SECTION 16, 75, AND 86, OF CHAPTER 152, OF THE COMPILED LAWS OF THE STATE OF IDAHO, 1919, ADVISING THE GENERAL POWERS OF THE MUNICIPAL CORPORATIONS OF THE STATE OF IDAHO; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 16 of Chapter 152 of the Compiled Laws of the State of Idaho, 1919, be and the same is hereby amended to read as follows:

Section 152:16. SAME: SPECIAL ASSESSMENTS. Sidewalk, curb, plank, pave, gravel, macadamize, gutter, grade or sprinkle any highway, street or alley therein, in whole or in part, and levy a special tax on the lots and parcels of land fronting, contiguous or tributary on such highway, street or alley, to pay the expense thereof. But unless a majority of the resident owners of the property subject to assessment for such improvement petition the council or trustees to make the same, such improvement shall not be made unless three-fourth (or in case there are only five members of the council or board of trustees, then four-fifths) of all members of such council or board of trustees shall, by an affirmative vote, at a regular meeting, assent to and order the same. *Provided, However, That when such improvements shall consist of grading, curbing or graveling only, such street or streets or highway, and thereafter it*



*shall become expedient or necessary, and a majority of the resident property owners of the property subject to assessment for improvements petition the Council or Trustees to thereafter proceed to pave such street, streets, or highway in whole or in part, that have theretofore or heretofore, under the provisions of this act, or the acts of the Legislature of the State of Idaho, of which this act is amendatory, been so improved by grading, curbing, or graveling only, such further, separate, and additional improvement shall not be made unless three-fourths (or in case there are only five members of the Council or Trustees, then four-fifths) of all the members of such Council or Board of Trustees shall by an affirmative vote, at a regular meeting, assent to and order such additional or further improvement; upon such affirmative vote being cast and registered the City Council or Board of Trustees shall proceed with the work of such additional or further improvement on such street, or streets or highways.*

SEC. 2. That Section 75 of Chapter 152 of the Compiled Laws of the State of Idaho, 1919, be and the same is hereby amended to read as follows:

Section 152:75. **ORDINANCE OF INTENTION: NOTICE TO PERMIT PROTESTS.** The city council or trustees shall, before or during the grading, paving or other improvement of any street or alley, the cost of which is to be levied and assessed upon the property benefitted, first pass at a regular or special meeting, a resolution or ordinance declaring its intention to make such improvement, and stating in such resolution or ordinance the name of the street or alley to be improved, the points between which said improvement is to be made, the general character of the proposed improvement, *stating whether the same is an original improvement or a further and additional improvement*, and the estimate of the cost of the same, and that the cost of the same is to be assessed against the property abutting, fronting, contiguous or tributary (and included in the assessment district herein provided) on such street proposed to be improved, the method by which the expense of the improvement in the space formed by the intersection of streets is to be paid, and shall fix a time, not less than 10 days, in which protests against said proposed improvement may be filed in the office of the clerk.

It shall be the duty of such clerk to cause such resolution to be published in the official newspaper of the municipality in at least two consecutive issues before the time fixed in such resolution for filing such protests, and affidavit of such

publication shall be filed on or before the time fixed for such filing.

SEC. 3. That Section 86 of Chapter 152 of the Compiled Laws of Idaho, 1919, be and the same is hereby amended to read as follows:

Section 152:86. ISSUANCE OF BONDS TO COVER INSTALLMENT PAYMENTS. Whenever the Mayor and council or trustee of any municipality shall, under authority vested in them by any laws of this state, cause any street or avenue, or alley in such municipality, to be sidewalked, graded, curbed, planked, graveled, paved, guttered, sprinkled, lighted, repaired, or macademized, or any other local street improvements, provided for in Sections 14 and 16 of this Chapter, the cost and expense of which is chargeable to the abutting, adjoining, contiguous or approximate property, they may, in their discretion, provide for the payment of the costs and expenses thereof by installments instead of levying the entire tax of special assessments for such costs at one time, and for such installments they may issue, in the name of the municipality, improvement bonds of the district, which shall include the adjoining, contiguous, and approximate property liable to assessment for such local improvements payable in installments of equal amount each year, which bonds shall, by their terms, be made payable on or before a date not to exceed 10 years from and after the date of issue of such bonds, and shall bear interest not exceeding seven per cent (7%) per annum, number of years for said bonds to run and the rate of interest thereon, within said limits, in each instance to be determined by the city council of village trustees. *Provided, however, That when such bonds are issued for further, separate or additional improvement by paving street, or streets, or highways that have theretofore been graded, curbed, or graveled only, under the provisions of this act, then such bonds shall be a subsequent lien upon the property subject to assessment for such improvement, to the lien of the unpaid, unliquidated, and unredeemed outstanding bonds, theretofore issued for the original improvement of grading, curbing, or graveling of such street or streets or highway. Provided, further, That the grading, curbing, or graveling of street, streets, or highways, only and thereafter the paving of said street, streets or highways as shall have theretofore been graded, curbed, or graveled, as allowed and contemplated by provisions of this act, shall not be construed or understood as one of the same improvement, or for the same purpose or for one or the same benefit, or as a double assessment for im-*



*provements against the property to be assessed for the payment of the costs and expenses of such improvement, but shall be considered and construed as separate, distinct, single and independent improvements and benefits, to such street, streets, or highways and the property assessed for the payment of the costs and expenses thereof. And all assessments levied or bonds issued for the payment of either or each of such improvements, shall be considered and construed as assessments levied or bonds issued for separate, distinct, single, and independent improvements and benefits on and to such street, or streets, or highways, and the property assessed for the costs and expenses of such improvement.*

SEC. 4. *Whereas an emergency exists, this Act shall take effect and be in force from and after its passage and approval.*

Approved March 17, 1919.

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## CHAPTER 77.

(H. B. No. 255.)

### AN ACT

PROVIDING FOR THE EXTENSION OF DELINQUENT TAXES UPON THE ASSESSMENT ROLL, HEREIN DESIGNATED AS DELINQUENT ENTRIES, THE EFFECT OF SUCH ENTRIES AND THE DUTIES OF THE TAX COLLECTOR AND THE COUNTY AUDITOR WITH RESPECT THERETO; PRESCRIBING THE MANNER OF COLLECTION OF SUCH DELINQUENT TAXES, THE REDEMPTION THEREOF, AND THE ISSUANCE OF TAX DEEDS THEREON; AMENDING SECTIONS 120, 122, 123, 126, 127, 129, 132, 133, 133a, 137, 139, 140, 141, 142, AND 143 OF CHAPTER 133 OF THE COMPILED LAWS; REPEALING SECTIONS 121, 128, 130, 131, 134, 135, 136, and 138 OF SAID CHAPTER AND ALL OTHER INCONSISTENT LEGISLATION AND ENACTING NEW SECTIONS DESIGNATED SECTIONS 130 AND 138 IN SAID CHAPTER; EXEMPTING DELINQUENCY CERTIFICATES HERETOFORE ISSUED FROM THE EFFECT OF THE REPEAL HEREIN, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 120 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:120 DELINQUENCY TAX ENTRIES: No taxes levied for any year and entered upon the real property assessment roll shall be received by the tax collector on or after the *fourth* Monday of *December* and prior to the *fourth* Monday of January or after the *fourth* Monday of *June*, and prior to the *fourth* Monday of *July*, in the succeeding year.

"The tax collector must, on or before the *first* Monday of January in said succeeding year, carry over and enter all delinquent taxes and the penalty thereon, in the proper columns provided therefor in the real property assessment roll, *which entry of delinquency shall be dated as of the first Monday of January of each year and shall have the force and effect of a sale to the tax collector as grantee in trust for the county, for all property entered upon the real property assessment roll on which one-half of the original amount of such taxes has not been paid.*

The tax collector must, on or before the *first* Monday of July in said succeeding year make *delinquency entries* as hereinbefore described, to be dated as of the *first Monday of January* in the year such taxes fall delinquent, for all property entered upon the real property assessment roll on which the remaining one-half of the original amount of such taxes, with the penalty added thereto, has not been paid.

*The auditor shall charge the tax collector with the total amount of all delinquency entries and credit him with all payments and redemption thereof.*

SEC. 2. Section 121 of Chapter 133 of the Compiled Laws is hereby repealed.

SEC. 3. Section 122 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:122. TAX COLLECTOR'S JANUARY SETTLEMENT: DELIVERY OF ROLL. On the *first* Monday of January in each year the tax collector must deliver to the county auditor the real property assessment roll, with all delinquent taxes of the preceding year extended thereon also all duplicate tax receipts \* \* issued on account of taxes levied for such preceding year.

SEC. 4. Section 123, of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:123. SAME. DUTIES OF AUDITOR. The county auditor must compare the taxes extended as delinquent upon the real property assessment roll with the taxes as originally entered upon the said roll \* \* \* and add up the columns of taxes extended as delinquent and have a settlement with the tax collector. Such settlement must be laid before



the board of county commissioners for their approval or rejection between the second Monday of January and the fourth Monday of January in the year such taxes fall delinquent, and such settlement must be recorded in the minutes of the proceedings of said board.

On the fourth Monday of January in said year the county auditor must deliver the said roll to the tax collector and charge the tax collector with all delinquent taxes and penalties extended thereon. *At the same time the auditor must deliver to the tax collector the tax receipt books of the preceding year after stamping on the receipt corresponding to the delinquency entries the word "delinquent".*

SEC. 5. Section 124 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:124. TAX COLLECTORS JULY SETTLEMENT. On the second Monday of July in each year the tax collector must deliver to the county auditor the real property assessment roll, with all delinquent tax receipts \* \* \* \* issued since the *fourth* Monday of the preceding January on account of taxes levied for such preceding year. The county auditor must compare the taxes extended as delinquent upon the real property assessment roll with the taxes as originally entered upon the said roll \* \* \* and add up the columns of taxes extended as delinquent and have a settlement with the tax collector. Such settlement must be laid before the board of county commissioners, for their approval or rejection between the second Monday of July and the fourth Monday of July in the year such taxes fall delinquent, and such settlement must be recorded in the minutes of the proceedings of said board.

*On the fourth Monday of July the county auditor must deliver the said roll to the tax collector with all delinquent taxes and penalties extended thereon. At the same time the auditor must deliver to the tax collector the tax receipt books of the preceding year after stamping on the receipts corresponding to the delinquency entries the word "delinquent."*

SEC. 6. Section 126 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:126. SALE OF PROPERTY UPON DELINQUENCY ENTRIES TO COUNTY. Upon the making of the delinquency entry in the real property assessment roll \* \* \* \* as provided in section 120 of this chapter, the county is deemed to be the purchaser of the property described in such delinquency entry and any payment of the delinquent

taxes, as shown in the delinquency *entry*, by the owner of such property or other person entitled to pay taxes thereon, is, in effect a redemption of the property from tax sale, and must be noted as such in the columns provided therefor in the real property assessment roll."

SEC. 7. Section 127 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:127. INTEREST. All delinquent taxes and penalties, as shown in the delinquency *entries*, bear interest from the date of such *entries* until paid or until the issuance of tax deed, and such interest must be paid by any redeemer of the property as a condition of redemption."

*In computing interest any fraction of a month shall be regarded as a full month.*

SEC. 8. Section 128 of Chapter 133 of the Compiled Laws is hereby repealed. A new section designated section 128 of Chapter 133 is hereby enacted as follows:

"133:128. PAYMENT OF DELINQUENT TAXES. *Upon the payment of delinquent taxes with accrued interest and penalty, the tax collector shall issue the receipt corresponding to the delinquency entry.*

SEC. 9. Section 129 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:129. APPORTIONMENT OF PROCEEDS FROM REDEMPTION. \* \* \* Upon the redemption from tax sale of the property described in any \* \* \* *delinquency entry*, the amount \* \* \* paid \* \* \* on account of such redemption, shall be paid into the county treasury \* \* \* *by the tax collector*, upon the certificate of the county auditor, to be apportioned among the several state and county funds and taxing districts, as provided in this chapter for the apportionment of taxes.

SEC. 10. Section 130 and 131 of Chapter 133 of the Compiled Laws are hereby repealed. A new section designated section 130 of Chapter 133 is hereby enacted as follows:

"133:130. MONTHLY SETTLEMENTS OF TAX COLLECTOR ON DELINQUENT TAXES. *On the last day of each and every month except as hereinbefore provided the tax collector shall make a report to the auditor, showing the number, name and amount of all delinquency entries redeemed during the preceding month, together with the interest charged thereon. The auditor shall compare said statement with the records and shall have a monthly settlement thereon with the tax collector. In all monthly settle-*



*ments between the auditor and tax collector, upon the collection of delinquent taxes, the auditor shall charge the tax collector with interest at the rate of one per cent per month as hereinbefore provided, on all amounts of original taxes and penalties, and shall credit the tax collector with the amount shown to have been collected. Whenever a tax deed is issued to the county by the tax collector, in the next succeeding monthly settlement, the auditor shall credit the tax collector with the original tax and penalty thereon as shown by the delinquent entry, together with the interest thereon as charged from time to time.*

SEC. 11. Section 132 of Chapter 133 of the Compiled Laws is amended to read as follows:

“133:132. LIEN AND EFFECT OF ENTRIES. Any delinquency *entry* made in accordance with the provisions of this chapter shall constitute a lien in favor of the *county* for all taxes, penalties and interest therein mentioned on the property therein described and shall entitle *the county* to a tax deed for such property in the manner provided for in this chapter. Such delinquency *entry* shall further constitute prima facie evidence in any legal proceedings in which it may lawfully be used that the property described therein was subject to assessment and taxation at the time the same was assessed, that said property was assessed and equalized according to law, that the taxes levied on such property and the penalty added to such taxes were levied and added according to law, that such taxes were not paid before the *making* of the delinquency *entry*, that the taxes on any personal property extended against the real property described in the delinquency *entry* is a lien on such real property, that the property and taxes were entered upon the real property assessment roll.

SEC. 12. Section 133 of the Compiled Laws is amended to read as follows:

“133:133. REDEMPTION. The property described in any delinquency *entry* may be redeemed from tax sale by the owner thereof, or any party in interest, on or after the fourth Monday of January after, and within three years from the date *thereof*, or until tax deed is issued to the *county* by paying the amount of all delinquent taxes and penalties, as shown in such *entry*, together with the interest accrued thereon, to the tax collector, as prescribed in this chapter: Provided That no person shall be permitted to redeem any property from sale for delinquent taxes of any year after a tax deed has issued thereon for delinquent taxes of any prior year \* \* \* and provided further

That no person shall be permitted to redeem any property from sale for delinquent taxes of any year unless the said property has been redeemed from all sales for delinquent taxes of prior years."

SEC. 13. Section 133a of Chapter 133 of the Compiled Laws is amended to read as follows:

"133a:133a. PARTIAL REDEMPTION. The owner of a part of the property covered by a delinquency *entry* or any party in interest may at the time hereinbefore provided, redeem such property upon application to the *tax collector* so to do, by paying to the *tax collector* the amount due on that particular piece of property under such *entry*, and \* \* \* delinquent taxes of prior years \* \* \* \* \*.

SEC. 14. Sections 134, 135, and 136 of Chapter 133 of the Compiled Laws are hereby repealed.

SEC. 15. Section 137 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:137. TAX DEED. ISSUANCE. If the property is not redeemed within three years from the date of the delinquency *entry*, the *tax collector* or his successor in office must make to the county \* \* \* \* a deed to the property. \* \* \* \* \*

SEC. 16. Section 138 of chapter 133 of the Compiled Laws is hereby repealed.

SEC. 17. Section 139 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:139. PREREQUISITE CONDITIONS. \* \* \* *The county shall not* be entitled to a tax deed for the land or lots described in such delinquency *entry*, until the two following sections have been complied with.

SEC. 18. Section 140 of Chapter 133 is amended to read as follows:

"133:140. SAME: NOTICE. *The tax collector* shall serve or cause to be served written or printed or partly written or partly printed notice on the person or persons in actual possession or occupancy of such land or lot and also the person in whose name the same stands upon the records in the recorder's office, if, upon diligent inquiry he can be found in the state, at least three months and not more than five months before the expiration of the time of redemption, \* \* \* which notice \* \* \* shall state when the *delinquency entry was made*, in whose name the property was assessed, the description of the land or lot, for what year taxed or specially assessed and when the time of redemption will ex-



pire. If there is no person in the actual possession or occupancy of such land or lot and if the person in whose name it stands, upon diligent inquiry can not be found in the state, then *the tax collector* shall post in a conspicuous place upon said land or lot and in a substantial manner, a copy of said notice not more than five and not less than three months before such time of redemption shall expire, and shall publish a notice of *all such delinquency entries* in the *official* newspaper printed in such county \* \* \* and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the said lands or lots, which notice shall be inserted three times at intervals of not less than one week, the first insertion not more than five months and the last not less than three months before the time of redemption expires, and a copy of such notice shall within said time, be mailed to the person in whose name the said land or lot stands on record, at his last known place of residence, *and shall post a notice of all such delinquencies in every Post Office within the county.*

SEC. 19. Section 141 of chapter 133 of the Compiled Laws is amended to read as follows:

"133:141. SAME: AFFIDAVIT. *The tax collector* shall, before *the county* shall be entitled to a deed, make an affidavit of his having complied with the conditions hereof, stating particularly the facts relied on as constituting such compliance, which affidavit shall be delivered to the county clerk to be by such officer entered on the records of his office and carefully preserved among the files of his office, and which record or affidavit shall be prima facie evidence that such notice has been given. Any person swearing falsely to such affidavit shall be deemed guilty of perjury and be punished accordingly.

SEC. 20. Section 142 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:142. ADDITIONAL COSTS IN CASE OF REDEMPTION. Whenever *the tax collector* shall have served or posted the notice herein required or shall have begun the publication thereof, \* \* \* before any person who may have a right to redeem such land or lot from such delinquency *entry* shall be permitted to redeem he shall pay the officer or person who by law is authorized to receive such redemption money the amount of *the added costs*, \* \* \* which amount in no event shall exceed for mileage, service and posting the statutory schedule allowed sheriffs for service of process, and in case of publication not to exceed 25% publication cost for each tract or lot contained in such no-

tice, \* \* \* and such added costs shall be deemed to be fees and shall be deposited in the treasury as such.

SEC. 21. Section 143 of Chapter 133 of the Compiled Laws is amended to read as follows:

"133:143. EFFECT OF TAX DEED AS EVIDENCE. The matters recited in the delinquency *entry* must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

1. The property was assessed as required by law.
2. The property was equalized as required by law.
3. The taxes were levied in accordance with law.
4. The taxes were not paid.
5. At a proper time \* \* the delinquency *entry* was made as prescribed by law, and by the proper officer.
6. The property was not redeemed.
7. The person who executed the deed was the proper officer.
8. Where the real estate was sold to pay taxes on personal property that the real estate belonged to the person liable to pay the tax.

SEC. 22. *All delinquency certificates heretofore issued to the county auditor in trust for the county are hereby transferred and assigned to the tax collector in trust for the county, who shall with respect to the collection thereof, perform all the duties heretofore imposed upon the auditor. The auditor shall charge the tax collector with the amount due thereon in the same manner as herein provided for the delinquency entries, and credit him with payments and redemptions made thereon, and at such time shall spread a record of the certificates so transferred, upon the minute book of the Board of County Commissioners.*

SEC. 23. *Delinquency certificates heretofore issued and all subsequent proceedings relating thereto, except as provided in the preceding section, are governed by the laws existing prior to the taking effect hereof, and all such former laws are continued in force for such purpose, notwithstanding the repeal herein.*

SEC. 24. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 25. An emergency existing therefor, this act shall be in force from and after its passage and approval.

Approved March 17, 1919.



**CHAPTER 78.**

(H. B. No. 195.)

**AN ACT**

TO AMEND SECTION 213 OF CHAPTER 38 OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 213 of Chapter 38 of the Compiled Laws of the State of Idaho be, and the same is hereby amended to read as follows:

Section 213: The board of trustees of any independent district may, whenever two-thirds ( $2/3$ ) of the board so decide, submit to the qualified electors of the State of Idaho, who are resident freeholders or householders of the district, at an election to be held for that purpose and to be called and conducted as other school elections in said district, the question whether the board shall be authorized to issue the negotiable coupon bonds of the district in an amount to be mentioned in the notice of election, not to exceed *six (6)* per cent. of the assessed valuation of the property in said district, for the purpose of providing and improving school houses and grounds and furniture, apparatus, and fixtures for said district, or for any or either of said purposes; and if at such election two-thirds ( $2/3$ ) of the qualified electors of said district voting at said election assent thereto, the board of trustees may issue such bonds of the district to the amount and for the purpose designated in said notice, which bonds shall be in all respects similar to, and shall be signed, negotiated, registered, bear interest and be made payable as the bonds provided for in the last preceding section; and no bond shall be sold for less than its par value, and the proceeds thereof must be devoted to the purposes mentioned in said notice.

SEC. 2. An emergency existing therefor, this act shall be in force and take effect from and after its passage and approval.

Approved March 12, 1919.

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**CHAPTER 79.**

(H. B. No. 165.)

**AN ACT**

APPROPRIATING THE SUM OF \$119,456.00 OUT OF THE GEN-

ERAL FUND OF THE STATE FOR THE RECLAMATION OF STATE LANDS WITHIN THE GEM IRRIGATION DISTRICT IN OWYHEE COUNTY; AUTHORIZING THE STATE BOARD OF LAND COMMISSIONERS TO EXPEND THE SAME FOR THE RECLAMATION OF SAID STATE LAND; PROVIDING FOR THE REPAYMENT OF THE SAME AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby appropriated out of the general fund of the State not otherwise appropriated the sum of \$119,456.00 or so much thereof as may be necessary, which sum of money shall be expended by the State Board of Land Commissioners for the purpose of aiding in the reclamation of State Lands amounting to approximately 9,905.3 acres, lying within the Gem Irrigation District in Owyhee County.

SEC. 2. When the Treasurer of said Gem Irrigation District shall present his claim to the State Board of Land Commissioners for said sum of money for the purpose in this act provided he shall accompany such claim with certified copies of levies of assessments against the lands of the said District made by the Board of Directors thereof, which shall show the amount which must be paid by the lands owned by the State within such Irrigation District, in order that said State lands may carry their just proportion of the cost of construction charges and up-keep of the Irrigation System constructed by the District for the reclamation of the lands within its boundaries, including said State lands. The said State Board of Land Commissioners shall thereupon examine said claim and shall approve the same for such sum as it shall find to be the just amount which should be paid on the State lands within said District, in order that said lands may bear their proper share of the assessment or assessments so certified. The moneys hereby appropriated shall be kept in a separate fund to be known as the "Gem Irrigation District State Land Reclamation Fund," and the State Auditor is hereby authorized to draw his warrant on said fund payable to the said Treasurer of the said Gem Irrigation District for such sum as shall be approved by the State Board of Land Commissioners and allowed by the State Board of Examiners.

SEC. 3. Any moneys so paid to said Irrigation District as by this Act provided shall be charged by the State Board of Land Commissioners against the State lands within said District to be repaid as herein provided.



SEC. 4. Before any such land shall be offered for sale, the State Board of Land Commissioners shall cause said land to be appraised, showing separately the value of said land without any water rights, ditches, or other improvements affected or made by said District, and also showing separately the value of the water rights, ditches or other improvements or the proportion thereof pertaining to such lands and the legal subdivisions thereof and said lands shall be offered for sale and sold with the water rights, ditches and other improvements, or the proportion thereof pertaining to said lands included.

Before the proceeds of the sale of any tract of land are placed in the fund where such proceeds properly belong, the amount of money represented by the appraised value of the water rights and water improvements aforesaid pertaining to said land shall be deducted from the proceeds of said sale and replaced in the general fund of the State to reimburse said fund for the amount expended by the State toward the reclamation of said lands; PROVIDED, that when said lands are sold to be paid for in installments, such proportion of each installment shall be replaced in the said general fund as the appraised value of said water right improvements bears to the total price, including said water right improvements, for which said lands are sold.

PROVIDED, FURTHER, that no reduction shall be made from said proceeds that shall reduce the same below the appraised value of said lands without any water rights or water right improvements, or shall reduce the same below the price of \$10.00 per acre.

SEC. 5. All acts and parts of acts in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 6. An emergency existing therefor which is hereby declared, this act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 80.

(H. B. No. 166.)

### AN ACT

APPROPRIATING THE SUM OF \$25,000 FOR THE PURPOSE OF HELPING DEFRAID EXPENSES OF DRAINAGE, WIDENING, AND CLEANING THE CHANNEL OF THE SPOKANE

RIVER AT THE OUTLET OF COEUR D'ALENE LAKE IN KOOTENAI COUNTY IN THE STATE OF IDAHO, PROVIDING HOW SAID APPROPRIATION SHALL BE SPENT, AND FOR OTHER PURPOSES, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the sum of \$25,000 is hereby appropriated out of any moneys in the general fund of the State Treasury not otherwise appropriated, for the purpose of helping defray expenses of drainage, widening, and cleaning out the channel of the Spokane River at its outlet of Coeur d'Alene Lake, Kootenai County, Idaho, to provide for the carrying away of flood waters and relieving approximately 30,000 acres of land situated in Kootenai and Benewah Counties, State of Idaho, from serious overflow, said sum to be apportioned to drainage districts No. 4 and No. 6, situated in Kootenai and Benewah Counties, respectively, said sum to be apportioned to drainage districts No. 4 and No. 6, respectively, in proportion to the benefits assessed against said districts under order of the Court.

SEC. 2. WHEREAS an emergency existing therefor this Act shall be in force and effect from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 81.

(S. B. No. 179.)

### AN ACT

IN RELATION TO THE LAND DEPARTMENT OF THE STATE; PROVIDING FOR THE EXERCISE OF THE CONSTITUTIONAL FUNCTIONS OF THE STATE LAND BOARD THROUGH THE INSTRUMENTALITY OF THE DEPARTMENT OF PUBLIC LANDS; CREATING THE DEPARTMENT OF PUBLIC LANDS; PRESCRIBING THE POWERS AND DUTIES OF THE STATE LAND BOARD, PROVIDING FOR ITS PRESIDENT, QUORUM, MEETINGS AND RULES; PRESCRIBING THE POWERS AND DUTIES OF THE LAND COMMISSIONER; PRESCRIBING THE ORGANIZATION OF THE DEPARTMENT OF PUBLIC LANDS, ITS POWERS AND DUTIES, ITS CO-ORDINATION AND INTERRELATION WITH OTHER DEPARTMENTS; PROHIBITING LAND OFFICIALS FROM BUYING STATE LANDS; REPEALING



SECTIONS 1558, 1559 AND 1560 AND ALL OTHER INCONSISTENT LEGISLATION, AND PRESCRIBING THE TIME OF TAKING EFFECT OF THIS ACT.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. CONSTITUTION OF STATE LAND BOARD. The governor, secretary of state, attorney general, state auditor and superintendent of public instruction being constituted a state board of land commissioners by Section 7 of Article IX., of the constitution of the state, as such board, have the direction, control and disposition of the public lands of the state. The board shall exercise the said constitutional functions through the instrumentality of a department of public lands which is hereby created.

SEC. 2. PRESIDENT OF BOARD: QUORUM. The governor shall be president of the board, but in his absence from any meeting, one of the members may act as president pro tempore, and shall preside at such meeting. A majority of the members of said board shall constitute a quorum for the transaction of business.

SEC. 3. MEETINGS OF BOARD: RULES. The board shall have regular meetings not less frequently than quarterly, and may hold such adjourned or special meetings as the board may direct, and may meet at any time on call of the president or majority of the board. The said board shall cause a complete record of its meetings and other proceedings to be kept. The meetings and proceedings of said board shall be regulated by such rules as the board may adopt.

SEC. 4. POWERS AND DUTIES OF BOARD. The state board of land commissioners shall have power:

1. To exercise the general direction, control and disposition of the public lands of the state.

2. To appoint its executive officer, the Land Commissioner.

3. To perform legislative functions not inconsistent with law and to delegate to its executive officer and his assistants the execution of all policies adopted by it.

4. To review upon appeal all decisions of the Land Commissioner in contested matters.

5. To determine the policy, direct the work to be undertaken and appropriate from its funds the money necessary to carry out such work.

6. To prescribe regulations, not inconsistent with law, for the government of the department, the conduct of its

employees and clerks, the distribution and performance of its business and the custody, use and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 5. LAND COMMISSIONER. The department of public lands shall have an officer at its head who shall be known as the Land Commissioner, who shall subject to the general regulation and control of the state board of land commissioners, exercise the powers and discharge the duties vested by law in his department. The Land Commissioner may administer and certify oaths.

SEC. 6. OFFICERS. The department shall maintain a central office at the capital. The Land Commissioner may in his discretion and with the approval of the state board of land commissioners, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 7. SEAL. The department shall adopt and keep an official seal.

SEC. 8. EMPLOYEES. The department is empowered to employ necessary employees, and, if the rate of compensation is not otherwise fixed by law, to fix their compensation.

SEC. 9. BONDS OF EMPLOYEES. The Land Commissioner may require an official bond in such sum and with security as he deems necessary from any officer or any employee of his department.

SEC. 10. HOURS FOR SERVICE. All employees in the department of public lands shall render not less than seven hours of labor each day, Saturday afternoons, Sunday and holidays excepted in cases in which, in the judgment of the commissioner, the public service will not thereby be impaired.

SEC. 11. ANNUAL LEAVE. Each employee in the department of public lands shall be entitled during each calendar year to 14 days' leave of absence with full pay.

SEC. 12. LAND OFFICIALS PROHIBITED FROM BUYING STATE LANDS. The members of the state board of land commissioners, the officers, clerks and employees of the department of public lands are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public lands of the state. Any person who violates the provisions of this section is guilty of a misdemeanor and subject to removal from office.



SEC. 13. COMPENSATION IN FULL FOR PUBLIC SERVICE. No employee in the department, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law.

SEC. 14. REPORTS. The Land Commissioner shall annually on or before the 1st day of December, and at such other times as the governor or the board may require, report in writing to the governor and the board concerning the condition, management and financial transactions of his department.

SEC. 15. COOPERATION. The department of public lands shall, so far as practicable, cooperate with the other state departments in the employment of services and the use of quarters and equipment. The Land Commissioner may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty which he might require of his own subordinates and may likewise require his subordinates to act for other departments.

SEC. 16. GROSS RECEIPTS PAYABLE INTO TREASURY. The gross amount of money received by the department, from whatever source, belonging to or for the use of the state, shall be paid into the state treasury, without delay, without any deduction on account of salaries, fees, costs, charges, expenses or claim of any description whatever and shall be credited to such fund or funds as are now or may hereafter be designated by law for the deposit thereof. No money belonging to, or for the use of, the state shall be expended or applied by the department except in consequence of an appropriation made by law and upon the warrant of the auditor.

SEC. 17. REQUISITION TO MAKE FUNDS AVAILABLE. The department shall, before an appropriation to it becomes available for expenditure, prepare and submit to the department of finance an estimate of the amount required for each activity to be carried on, and accounts shall be kept and reports rendered showing the expenditures for each such purpose.

SEC. 18. DEPARTMENT SUCCESSOR TO ABOLISHED OFFICES. Whenever rights, powers and duties, which have heretofore been vested in or exercised by any officer or board, or any deputy or subordinate officer thereof, are, by this act, transferred, either in whole or in part, to or vested in the department created by this act, such rights, powers and duties shall be vested in, and shall be ex-

exercised by, the department, and every act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the former office or board, or any deputy or subordinate officer thereof. Every person shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties were exercised by the officer or board, or deputy, or subordinate thereof, designated in the respective laws which are to be administered by the department created by this act. Every person shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any such obligation or duty, or for doing a prohibited act, as if such obligation or duty arose from, or such act were prohibited in, the exercise of such right, power or duty by the officer or board, or deputy or subordinate thereof, designated in the respective laws which are to be administered by the department created by this act. Every officer and employee shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties devolved upon him under this act. All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers and duties so transferred to or vested in the department created by this act, shall be delivered and transferred to the department succeeding to such rights, powers and duties.

Whenever reports or notices are now required to be made or given, or papers or documents furnished or served by any person to or upon any officer or board, or deputy or subordinate thereof, abolished, or where duties are transferred by this act, the same shall be made, given, furnished, or served in the same manner to or upon the department herein created; and every penalty for failure so to do shall continue in effect.

This act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act takes effect in relation to the matters placed under the jurisdiction of the department herein created; but such actions or proceedings may be prosecuted and continued by the department created herein.

**SEC. 19. POWERS OF DEPARTMENT.** The department of public lands shall have power:

1. To exercise, under the general control and super-



vision of the state board of land commissioners all the rights, powers and duties vested by law in the state board of land commissioners, except the supervision of public investments, the administration of the Carey Act and the administration of Chapter 241 of the Compiled Laws.

2. To exercise all the rights, powers and duties of the register of the state board of land commissioners except such as have been transferred to the department of public investments and department of reclamation.

SEC. 20. REPEAL OF INCONSISTENT LEGISLATION. Sections 1558, 1559 and 1560 of the Compiled Laws and all other acts and parts of acts in conflict with this act are hereby repealed.

SEC. 21. TIME OF TAKING EFFECT. The necessity for the reorganization of the land department to conform to this act at as early a date as possible, so as to effect a saving in administrative expense and an increase in efficiency, creates an emergency within the meaning of the Constitution, and this act shall be in force and take effect from and after March 31, 1919.

Approved March 17, 1919.

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## CHAPTER 82.

(S. B. No. 182.)

### AN ACT

TO PROVIDE FOR THE INVESTIGATION AND AUDITING OF ALL ACCOUNTS, BOOKS AND RECORDS OF EACH AND EVERY STATE OFFICE AND STATE DEPARTMENT OF THE STATE OF IDAHO, INCLUDING ALL ACTIONS, BOOKS AND RECORDS OF THE STATE BOARD OF EXAMINERS OF THE STATE OF IDAHO, FOR THE YEAR BEGINNING JANUARY 3RD, 1917, AND ENDING JANUARY 4TH, 1919; PROVIDING FOR THE EMPLOYMENT OF AUDITORS AND ACCOUNTANTS TO COMPLETE SAID WORK OF AUDITING; APPROPRIATING THEREFOR THE SUM OF TWENTY-FIVE THOUSAND DOLLARS, OR SO MUCH THEREOF AS MAY BE NECESSARY, OUT OF ANY MONEYS IN THE GENERAL FUND IN THE STATE TREASURY NOT OTHERWISE APPROPRIATED, FOR THE PURPOSE OF PAYING THE COSTS AND EXPENSES OF DOING SAID WORK AND FOR THE PAYING OF THE NECESSARY CLERKS AND EMPLOYEES AND OTHER EXPENSES IN CONNECTION WITH SUCH AUDITING: PRO-

VIDING THAT SAID AUDITING OF ALL SAID OFFICES AND DEPARTMENTS SHALL BE UNDER THE DIRECTION OF A COMMISSION COMPOSED OF THE THREE MEMBERS, ONE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE FROM THE MEMBERSHIP OF THAT BODY, AND TWO OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FROM THE MEMBERSHIP OF THAT BODY; PROVIDING FOR THE FILING AND PAYMENT OF THE EXPENSES INCURRED IN MAKING SAID AUDIT, AND DECLARING AN EMERGENCY WHEREBY THIS ACT SHALL GO INTO FORCE AND EFFECT IMMEDIATELY UPON ITS PASSAGE AND APPROVAL.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That a complete audit be made of all the books, records, papers, files and accounts of all the state offices of the State of Idaho and of all the various governmental departments of the State of Idaho, including all reports, accounts and official actions of the State Board of Examiners of the State of Idaho, for the period beginning January 3rd, 1917, and ending January 4th, 1919, by and under the direction of a commission composed of three members, one of whom shall be appointed by the President of the Senate from the membership of that body, and two of whom shall be appointed by the Speaker of the House of Representatives from the membership of that body; that said commission is hereby authorized to employ proper and capable accountants, clerks and stenographers and incur such other expenses, within the appropriation herein made, in order to carry on and complete the said investigation and audit, as may be necessary.

SEC. 2. That the sum of Twenty-five Thousand Dollars, or so much thereof as may be necessary, be, and the same is, hereby appropriated out of any moneys in the general fund in the State Treasury not otherwise appropriated, for the purpose of paying all of the costs and expenses which may be incurred by the said commission in the employment of necessary accountants, auditors and help or other expenses to carry on said audit; that all claims for services or material used or expenses incurred in the making of said audit, as herein provided, shall be filed by the claimants thereof with the State Board of Examiners, to be approved or disapproved by the State Board of Examiners the same as other claims against the state, and no such claims shall be paid for either services or material, or any other expenses connected with said audit except the same be first



presented and receive the approval of the State Board of Examiners; that any part or portion of said amount herein appropriated not used for the purpose herein designated shall revert back to the general fund of the State Treasury. Said commissioners shall receive their actual expenses incurred by themselves in carrying out the said audit, but shall not receive any sum or amount as per diem for their services or time.

SEC. 3. That the State Auditor is hereby authorized to issue warrants upon all claims for the carrying on of said work as are approved by the State Board of Examiners, the same as upon any other claims against the state.

SEC. 4. It appearing to the Legislature that this audit should be begun at once and that there should be no delay until it is finished, an emergency thereby has arisen requiring that this bill become effective immediately upon its passage and approval, which emergency is hereby declared to exist; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 83.

(H. B. No. 198.)

### AN ACT

APPROPRIATING \$30,000.00 TO THE UNIVERSITY OF IDAHO TO COVER DEFICIT RESULTING FROM TRAINING AND QUARTERING STUDENTS' ARMY TRAINING CORPS AND RESTORING TO THE GENERAL FUND OF THE STATE OF IDAHO AN EQUIVALENT OF SUCH AMOUNTS OF MONEYS AS ARE RECEIVED BY SAID INSTITUTION FROM THE SALE OF EQUIPMENT AND BUILDINGS PERTAINING TO SAID CORPS AND FROM REIMBURSEMENT BY THE FEDERAL GOVERNMENT AND THE WAR DEPARTMENT THEREOF AND REDUCING THE APPROPRIATION HEREIN BY SAID AMOUNTS AND AUTHORIZING THE RETENTION OF SUCH PART OF SAID EQUIPMENT AS THE STATE BOARD OF EDUCATION DEEMS PRACTICAL AND EXPEDIENT: AND DECLARING THE EXISTENCE OF AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there be and is hereby appropriated out of the General Funds of the State of Idaho the sum of

\$30,000.00 to the University of Idaho to reimburse the institution for all deficit existing or to exist from quarantining, training and instruction of the Students' Army Training Corps; PROVIDED, That the total of said appropriation shall be automatically reduced in amount by any all sums of money received by said institution or the authorized officials thereof from the sale of the equipment, supplies, and building particularly constructed for the Corps, and further reduced by all sums of money received by said institution from the Federal Government or War Department thereof for the purpose of reimbursing the whole or part of the existing deficiency; and that the equivalent of said sums of money so automatically subtracted shall be covered into the General Fund of the State of Idaho; PROVIDED, Further, That the State Board of Education and Board of Regents of the University of Idaho be empowered and directed in the interests of economy and efficiency and in its discretion to retain as property of said institution all such equipment, supplies, and buildings as are available for institutional purposes.

SEC. 2. An emergency existing therefor, this Act shall be in force and effect from and after its passage and approval.

Approved March 17, 1919.

## CHAPTER 84.

(H. B. No. 236.)

### AN ACT

MAKING APPROPRIATIONS FOR THE SUPPORT AND MAINTENANCE OF THE IDAHO SOLDIERS' HOME, THE IDAHO INSANE ASYLUM AT BLACKFOOT THE NORTHERN IDAHO SANITARIUM, THE IDAHO STATE SANITARIUM, THE IDAHO STATE PENITENTIARY AND THE CHILDREN'S HOME FINDING AND AID SOCIETY FOR THE TERM A PERIOD COMMENCING ON THE FIRST MONDAY IN JANUARY, 1919, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1921; PROVIDING FOR THE RETURN OF THE GENERAL FUND OF THE STATE FROM THE MONEYS HEREIN APPROPRIATED FUNDS EQUAL IN AMOUNT TO ANY AND ALL MONEYS RECEIVED FROM ENDOWMENT OR OTHER SOURCES OF INCOME, WHEN RECEIVED BY THE STATE TREASURER AND BEING PLACED TO THE CREDIT OF THE SEVERAL INSTITUTIONS.



TIONS HEREIN NAMED; PROVIDING, THAT ALL FUNDS RECEIVED BY AND FOR THE USE OF THE INSTITUTION OR INSTITUTIONS NAMED IN THIS ACT SHALL BE TURNED INTO THE STATE TREASURY MONTHLY BY SUCH INSTITUTIONS, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the specific sums hereinafter mentioned or so much thereof as may be necessary for the support and maintenance of the institutions named herein. The amounts appropriated shall be expended for the specific purposes named and no other during the period commencing on the first Monday in January, 1919, and ending on the first Monday in January, 1921: PROVIDED, HOWEVER, That when any moneys or funds not appropriated herein are or have been received by the State Treasurer from endowment or other sources of income and placed to the credit of any institution or institutions herein named, excepting the Children's Home Finding and Aid Society of Idaho, funds in an amount or amounts equal to the money or moneys so received shall be withdrawn quarterly by the State Treasurer from the funds herein appropriated for the institution or institutions receiving such credit or credits and placed in the general fund of the State, and the appropriation or appropriations herein made for such institution or institutions shall be automatically decreased by such amount or amounts equal to such money or moneys so received by such institution or institutions; *Provided, further*, That all funds received by and for the use of any institution herein named shall be turned into the State Treasury monthly by such institution, and if said funds so reported and turned into the State Treasury properly belong to the institution reporting the same, the State Treasurer shall place such funds to the credit of such institution.

*Provided, further*, That with the approval of the State Board of Examiners any institution named herein may be allowed to expend the funds arising from the sale of stock, farm or garden products or other goods or articles produced within or by the institution for things necessary for the equipment or use of the institution without reducing the amount of the appropriations herein made for such institution. Written application for permission to make expenditures under this provision shall be made by the directors of the institution to the State Board of Examiners,

and if such permission is given, a copy of the action of the State Board of Examiners shall be transmitted to the State Treasurer and to the Auditor for their guidance.

All sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the proper appropriations and on claims which shall have been audited and allowed in the same manner as all other claims against the State. The amounts specifically appropriated for state purposes constitute the whole amount appropriated and to be used by any institution named herein for any purpose during the period for which this appropriation is made, and no officer, employe, board of regents or board of trustees of any institution named herein shall enter into any contract or agreement by which any liability, moral, legal, or otherwise, shall be created against the State of Idaho in excess of the appropriations herein made unless written authority to make any specific expenditure in question shall have been first obtained from the State Board of Examiners of the State of Idaho.

#### *IDAHO SOLDIERS' HOME.*

|                                                                |    |           |              |
|----------------------------------------------------------------|----|-----------|--------------|
| Salary of Commandant .....                                     | \$ | 2,400.00  |              |
| Salaries of Employees .....                                    |    |           | 24,540.00    |
| Maintenance .....                                              |    |           | 71,300.00    |
| Improvements:                                                  |    |           |              |
| 1 Auto Truck .....                                             | \$ | 600.00    |              |
| New flag pole, laying pipes repairs to Lincoln Hall, etc. .... |    | 1,390.00  |              |
| Rebuilding of buildings destroyed by fire .....                |    | 45,000.00 | 46,990.00    |
|                                                                |    |           | <hr/>        |
|                                                                |    |           | \$145,230.00 |

#### *IDAHO PENITENTIARY.*

|                                                                                           |            |          |              |
|-------------------------------------------------------------------------------------------|------------|----------|--------------|
| Salary of Warden .....                                                                    | \$         | 3,600.00 |              |
| Salaries of Employees .....                                                               |            |          | 36,240.00    |
| Maintenance .....                                                                         |            |          | 95,250.00    |
| Improvement:                                                                              |            |          |              |
| Equipment of power house and farm .....                                                   | \$1,000.00 |          |              |
| Repair to roof and buildings .....                                                        | 1,000.00   |          |              |
| Dairy barn and hog pens .....                                                             | 5,000.00   |          | 7,000.00     |
| For Women's Dormitory .....                                                               |            |          | 7,500.00     |
| For repairs and equipment in kitchen and installation of machinery for use of convicts .. |            |          | 7,500.00     |
|                                                                                           |            |          | <hr/>        |
|                                                                                           |            |          | \$157,090.00 |



*NORTHERN IDAHO INSANE ASYLUM.*

|                                                                                     |            |              |
|-------------------------------------------------------------------------------------|------------|--------------|
| Salary of Medical Superintendent .....                                              | 6,000.00   |              |
| Salaries of Employees .....                                                         | 34,900.00  |              |
| Maintenance .....                                                                   | 81,650.00  |              |
| Improvement:                                                                        |            |              |
| Road and Corrals .....                                                              | \$1,200.00 |              |
| Concrete cow barns, Concrete slaughter house and equipment, and concrete silo ..... | 3,800.00   |              |
| Isolation Hospital .....                                                            | 4,000.00   | 9,000.00     |
|                                                                                     |            | <hr/>        |
|                                                                                     |            | \$131,550.00 |

*IDAHO INSANE ASYLUM.*

|                                                                                                                                                                                                                 |                 |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|
| Salary of Medical Superintendent .....                                                                                                                                                                          | 6,000.00        |              |
| <i>Salary of Farm Supervisor .....</i>                                                                                                                                                                          | <i>4,000.00</i> |              |
| Salaries of Employees .....                                                                                                                                                                                     | 37,740.00       |              |
| Maintenance .....                                                                                                                                                                                               | 81,500.00       |              |
| Improvement:                                                                                                                                                                                                    |                 |              |
| Psychopathic Hospital and furnishings, in connection with Superintendent's cottage                                                                                                                              | \$12,500.00     |              |
| 1 silo, corn cutter and binder, root cellars, barn, orchard, and furniture for Superintendent's cottage .....                                                                                                   | 3,300.00        |              |
| Clearing, leveling and planting five hundred or more acres of sage brush land <i>the work of clearing, leveling and planting said land to be done by convicts from the State Penitentiary if possible</i> ..... | 10,000.00       | 25,800.00    |
|                                                                                                                                                                                                                 |                 | <hr/>        |
|                                                                                                                                                                                                                 |                 | \$155,040.00 |

*IDAHO STATE SANITARIUM.*

|                                                                                                      |              |  |
|------------------------------------------------------------------------------------------------------|--------------|--|
| Salary of Medical Superintendent .....                                                               | \$ 6,000.00  |  |
| Salaries of Employees .....                                                                          | 24,080.00    |  |
| Maintenance .....                                                                                    | 55,025.00    |  |
| Improvement:                                                                                         |              |  |
| Building two wings, dairy barn, addition to dining room, also alterations to present buildings ..... | \$100,000.00 |  |
| Dairy herd .....                                                                                     | 2,000.00     |  |

|                                                           |          |              |
|-----------------------------------------------------------|----------|--------------|
| Refrigerator plant and extension of sewerage system ..... | 3,000.00 |              |
| Gravity water system .....                                | 3,000.00 | 108,000.00   |
|                                                           |          | <hr/>        |
|                                                           |          | \$193,105.00 |

### *CHILDREN'S HOME FINDING AND AID SOCIETY.*

For general maintenance; the amount appropriated to be divided between the northern and southern districts of Idaho, as the Board of Directors of the Children's Home Finding and Aid Society may deem proper and equitable, not less than one-third, however, of the amount herein appropriated to be appropriated to the northern district .....\$15,000.00

SEC. 2. Any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be subject, on conviction thereof, in addition to any other penalties which may be imposed by law, to removal by order of the Governor of the State of Idaho from the position held.

SEC. 3. An emergency existing therefor, this Act shall take effect from and after its passage and approval.

Approved March 17, 1919.

## **CHAPTER 85.**

(H. B. No. 245.)

### **AN ACT**

**MAKING APPROPRIATION FROM THE STATE INSURANCE FUND FOR THE PAYMENT OF THE SALARY OF THE STATE INSURANCE MANAGER, THE SALARIES AND COMPENSATION OF ALL OFFICERS AND EMPLOYEES OF THE STATE INSURANCE MANAGER OR HIS DEPARTMENT, ALL EXPENSES OF ADMINISTERING THE STATE INSURANCE FUND AND ALL EXPENSES WHATSOEVER INCURRED BY THE STATE INSURANCE MANAGER IN THE DISCHARGE OF HIS OFFICIAL DUTIES AND THE OPERATION AND MANAGEMENT OF HIS DEPARTMENT FOR THE PERIOD COMMENCING ON THE FIRST MONDAY OF JANUARY, 1919, AND ENDING ON THE FIRST MONDAY OF JANUARY, 1921; PRESCRIBING THE CONDITIONS UNDER WHICH THE APPROPRIATION HEREIN MADE SHOULD BE SPENT, MAKING ANY VIOLATION OF**



THE PROVISIONS OF THIS ACT A MISDEMEANOR, AND PROVIDING FOR THE PUNISHMENT THEREOF, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there is hereby appropriated out of any money in the State Insurance Fund, being a fund created by the provisions of Title "L" of Part II of the Compiled Laws of the State of Idaho, said Title "L" being the "Workmen's Compensation Law", and not otherwise appropriated, the sums hereinafter specifically set out, or so much thereof as may be necessary for the purpose of paying the salary of the State Insurance Manager and the salary and compensation of all officers and employees of said State Insurance Manager or his department, and all expenses of administering the State Insurance Fund and all expenses whatsoever incurred by him in the discharge of his official duties and the operation and management of his department and for no other purpose or purposes, for the period commencing on the first Monday of January, 1919, and ending the first Monday of January, 1921. The sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the said State Insurance Fund, subject to such additional limitations and qualifications as to signature of other officials or otherwise, as are set forth in said "Workmen's Compensation Law".

The amounts specifically appropriated for specific purposes by this Act constitute the whole amount appropriated and to be used by said State Insurance Manager and his department for the purposes indicated during the period for which the appropriation is made. Said amounts and the purposes for which they are appropriated are as follows, towit:

|                                                                                                       |                           |
|-------------------------------------------------------------------------------------------------------|---------------------------|
| Salary of Insurance Manager .....                                                                     | \$ 8,000.00               |
| Maintenance, including salaries and all other expenses in connection with maintenance of office ..... | 47,000.00                 |
| <b>TOTAL</b> .....                                                                                    | <u><u>\$55,000.00</u></u> |

SEC. 2. The compensation and salaries for all officers, deputies and employees herein appropriated shall be in full for all services rendered or to be rendered by such officers, deputies or employees to the state during the period for which this appropriation is made.

SEC. 3. The State Auditor shall quarterly, on the first day of May, April, July and October of each year, render to the said State Insurance Manager a statement of the balance or balances in the appropriation or appropriations made hereby.

SEC. 4. The State Auditor is hereby authorized and directed upon the presentation of the proper vouchers or claims against the state approved by the said Board of Examiners as provided by law, and upon full compliance with such other terms and conditions as are or may be imposed by the terms of the said Workmen's Compensation Law, to draw his warrant against the proper funds or appropriations for the payment of such vouchers or claims; and it shall be the duty of the state Auditor to classify such vouchers of claims in a book for that purpose in such manner that the amounts to be charged are shown by such vouchers or claims to the said State Insurance Manager, and his department, shall be kept separate and apart from the amounts or vouchers or claims of any other office or department of the State government. All such vouchers or claims approved by the State Board of Examiners shall be listed in such book in numerical order and shall be filed according to the number opposite the entry of such voucher or claim in said book.

SEC. 5. That each state officer, deputy, or employee and each state board authorized by law to expend any appropriation herein made or otherwise made by law shall keep an itemized account of all expenditures made by him or them or under his or their direction and report the same in itemized form, as to classes of expenditures, to the Committees on State Affairs and on Appropriations of the sixteenth regular session of the State Legislature.

SEC. 6. That no officer, deputy, employee or state board having the direction or control of the expenditure of any appropriation made by this Act or otherwise made by law shall enter into any contract or agreement or otherwise create any expense or incur any liability, moral, legal, or other, in excess of the appropriation herein made for the specific purposes mentioned unless authority to make such expenditures or to incur such liability has been previously given in writing by the State Board of Examiners of the State of Idaho.

Any person or persons violating the provisions of this Act with reference to expenditures shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished therefor as provided by law, and, in addition to any other



punishment which may be imposed, shall be removed from the office or position held by him. Any indebtedness created or attempted to be created against the State of Idaho in violation of the provisions of this Act or any indebtedness attempted to be created against the State of Idaho in excess of the proper appropriation, whether made by this Act or by other provisions of law, shall be void.

SEC. 7. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 86.

(H. B. No. 273.)

### AN ACT

MAKING AN APPROPRIATION FOR THE PAYMENT OF HONORARIUM, SALARIES, COMPENSATION, AND GENERAL EXPENSES OF THE STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND FOR THE SUPPORT MAINTENANCE AND GENERAL EXPENSES OF THE EDUCATIONAL INSTITUTIONS OF THE STATE OF IDAHO, COMPRISING THE UNIVERSITY OF IDAHO AND THE AGRICULTURAL COLLEGE, THE LEWISTON STATE NORMAL SCHOOL, ALBION STATE NORMAL SCHOOL, THE IDAHO TECHNICAL INSTITUTE, THE INDUSTRIAL TRAINING SCHOOL, AND THE DEAF AND BLIND SCHOOL, FOR THE TERM AND PERIOD COMMENCING ON THE FIRST MONDAY IN JANUARY, 1919, AND ENDING ON THE FIRST MONDAY IN JANUARY, 1921; PROVIDING FOR THE SUBTRACTION, FROM THE TOTALS OF EXPENDITURE HEREIN SPECIFIED, OF SUMS EQUAL IN AMOUNT TO ANY AND ALL MONEYS RECEIVED BY THE STATE TREASURER, BY THE TREASURER, ANY AGENT OR EMPLOYEE OF THE BOARD, INSTITUTION OR INSTITUTIONS HEREIN NAMED WHICH ARE AVAILABLE FOR USE DURING THE CURRENT BIENNIUM, EXCEPT MONEYS RECEIVED BY COUNTY AGENTS FROM THE FEDERAL GOVERNMENT AND FROM THE COUNTIES, AND EXCEPT MONEYS RECEIVED FROM DORMITORIES AND DINING HALLS OF SAID INSTITUTION OR INSTITUTIONS; AND PROVIDING THAT ALL FUNDS RECEIVED BY AND FOR THE USE OF THE BOARD, INSTI-

TUTION OR INSTITUTIONS NAMED IN THIS ACT, EXCEPT FEDERAL AID RECEIVED FROM THE GOVERNMENT OF THE UNITED STATES, WHICH, UNDER THE LAW GRANTING SAID AID, MUST BE RETAINED BY THE INSTITUTION RECEIVING THE SAME, SHALL BE TURNED INTO THE STATE TREASURY MONTHLY BY SUCH BOARD, INSTITUTION, OR DEPARTMENT; PROVIDING FOR THE EXPENDITURE OF MONEYS RECEIVED FROM PRODUCTS AND SERVICES WHENEVER AUTHORIZED BY THE STATE BOARD OF EXAMINERS; PROVIDING THAT IF SAID FUNDS SO REPORTED AND TURNED INTO THE STATE TREASURY BELONG TO THE INSTITUTION, BOARD, OR DEPARTMENT REPORTING THE SAME, THEY SHALL BE PLACED TO THE CREDIT OF SAID INSTITUTION, BOARD, OR DEPARTMENT, BY THE STATE TREASURER; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the following sums of money or so much thereof as may be necessary are hereby appropriated for the support and maintenance of the State Board of Education, the State Superintendent of Public Instruction, and the several state educational institutions for the period commencing on the first Monday in January, 1919, and ending on the first Monday in January, 1921.

PROVIDED, HOWEVER, That when any moneys or funds, not appropriated herein and which are properly available for the expenses of the current biennium, are or have been received by the State Treasurer, by the treasurer of any institution or institutions herein named or by any agent or employee thereof from endowment or other sources of income for the support and maintenance of any work or operation carried on under the authority, control and direction of the State Board of Education and Board of Regents of the University of Idaho, or any institutions, departments, officers or employees of said Board, funds in an amount or amounts equal to the money or moneys so received *except federal funds hereafter appropriated* shall be subtracted quarterly by the State Treasurer from the total herein named as the limit of expenditure for said period of time of and for said institution or board receiving said funds, and the total of expenditure specified herein for such board or institution shall be decreased automatically by such amount or amounts equal to such money or moneys so received by such board or institution, except that moneys received by the County Agents from the Federal Gov-



ernment and from the Counties, and also moneys received from dormitories and dining halls, shall not be included in the terms of this proviso.

*Provided, Further,* That all funds received by and for the use of the Board or any institution named herein, except Federal aid received from the government of the United States, which, under the law granting said aid, must be retained by the institution receiving the same, shall be turned into the State Treasury monthly by such board or institution, and if said funds so reported and turned into the State Treasury properly belong to the Board or institution reporting the same, the State Treasurer shall place such funds to the credit of said Board or institution.

*Provided, Further,* That moneys accruing to the various interest funds arising from endowment and educational grants to the various institutions herein appropriated for shall not be placed in the general fund of the State of Idaho, nor confused therewith, but shall remain inviolable in the respective interest funds for the sole use of the designated beneficiary thereof, and the amounts thereof accruing to said funds during the period for which appropriation herein is made, shall be computed quarterly by the State Treasurer and an amount or amounts equal thereto shall be subtracted from the amount which this Act specifies as the total of expenditure for such purposes for said period of time.

All sums hereinafter appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the State only. The amounts herein specified constitute the whole amounts appropriated by the Legislature of the State of Idaho for the purposes specified, and no greater sum or sums shall be expended for the said purposes in any manner which will create a further claim against the State of Idaho.

*Provided, Further,* That when any institution sells livestock, farm or garden produce, or other goods or articles produced by said institution, or receives fees or other moneys for services rendered, the proceeds of such sales, and the receipts for fees and services rendered, shall be dealt with in accordance with the general provisions of this Act, except that the State Board of Examiners, on application of the State Board of Education, may authorize the said proceeds and fees to be expended for supplies, equipment, labor, or other facilities without said proceeds being deducted from the appropriation herein made for such institution. When such application is granted by the State

Board of Examiners, written notice of its action shall be sent to the State Treasurer and the State Auditor for their guidance in the disposition and accounting of such funds.

The appropriations herein made are as follows:

*FOR THE STATE BOARD OF EDUCATION AND REGENTS OF THE UNIVERSITY OF IDAHO, AND SUPERINTENDENT OF PUBLIC INSTRUCTION.*

|                                                                                                                             |                     |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------|
| Honorarium of Board .....                                                                                                   | \$ 1,000.00         |
| Salary, State Superintendent of Public Instruction .....                                                                    | 4,800.00            |
| Salary, Clerical Assistant .....                                                                                            | 4,000.00            |
| Salaries:                                                                                                                   |                     |
| Commissioner of Education, Business Agent, Certification Clerk, Chief Clerk, Stenographer, Bookkeeper, and contingent ..... | 32,284.00           |
| Miscellaneous Expense:                                                                                                      |                     |
| Telephone and Telegraph, Printing, Postage, Office Expense, Office Equipment, Traveling and contingent .....                | 16,066.00           |
| <b>TOTAL .....</b>                                                                                                          | <b>\$ 58,120.00</b> |

*UNIVERSITY OF IDAHO.*

*Maintenance:*

|                          |               |
|--------------------------|---------------|
| College of Letters )     |               |
| College of Agriculture ) |               |
| College of Engineering ) |               |
| School of Forestry )     | \$ 489,698.00 |
| College of Law )         |               |
| School of Mines )        |               |
| Summer School )          |               |

*Administration, Operation and Repairs: .....* 175,290.00

*Agricultural Experimentation:*

|                                      |                     |
|--------------------------------------|---------------------|
| Home Station .....                   | \$19,200.00         |
| Sandpoint Farm .....                 | 13,150.00           |
| Caldwell Farm .....                  | 20,200.00           |
| Aberdeen Farm .....                  | 7,650.00            |
| Highland Station at Felt .....       | 11,000.00           |
| Insect Pests and Soil Survey .....   | 6,500.00            |
| For controlling alfalfa weevil ..... | 20,000.00 97,700.00 |



*Co-operative Extension  
Work in Agriculture  
and Home Economics,  
including County  
Agents* .....

286,943.00 \$1,049,631.00

*Capital Additions:*

Completing south  
wing of Administra-  
tion Building ..... 44,361.00

System of fire protec-  
tion ..... 20,000.00

Good roads Laboratory 3,000.00

Walks and lightingsys-  
tem of campus ..... 4,000.00

Tile floor in Dairy  
Building ..... 1,500.00

Poultry House ..... 1,500.00 74,361.00

TOTAL ..... \$1,123,992.00

*LEWISTON STATE NORMAL SCHOOL.*

*Maintenance:*

Salaries ..... \$147,690.00

Operation and Expense ..... 54,310.00 \$ 202,000.00

*Improvements:*

Campus Improvement ..... \$ 500.00

Installation of Ventilating Sys-  
tem ..... 4,500.00

Movable Dormitories for two  
Rural Training Centers ..... 2,000.00 7,000.00

TOTAL ..... \$ 209,000.00

*ALBION STATE NORMAL SCHOOL.*

*Maintenance:*

Salaries ..... \$112,700.00

Operation and Expense ..... 71,300.00

TOTAL ..... \$ 184,000.00

Walks and lighting  
system of campus .... 4,000.00

*IDAHO TECHNICAL INSTITUTE.*

*Maintenance:*

Salaries ..... \$120,000.00

Operation and Expense ..... 66,000.00 \$ 186,000.00

*Improvements:*

|                                                 |          |                      |
|-------------------------------------------------|----------|----------------------|
| Completion of Physical Education Building ..... | 6,000.00 |                      |
| Improvement of Heating Plant .....              | 4,000.00 |                      |
| Campus Extension .....                          | 6,000.00 |                      |
| Farm Land .....                                 | 4,000.00 | 20,000.00            |
| <b>TOTAL</b> .....                              |          | <b>\$ 206,000.00</b> |

*IDAHO INDUSTRIAL TRAINING SCHOOL.**Maintenance:*

|                             |              |               |
|-----------------------------|--------------|---------------|
| Salaries .....              | \$ 65,000.00 |               |
| Operation and Expense ..... | 127,700.00   | \$ 192,700.00 |

*Improvements:*

|                                               |           |                      |
|-----------------------------------------------|-----------|----------------------|
| Buildings for Girls and additional Land ..... | 50,000.00 |                      |
| Boiler .....                                  | 4,000.00  |                      |
| Distribution System .....                     | 10,000.00 |                      |
| Lockers .....                                 | 1,000.00  |                      |
| Granary .....                                 | 1,000.00  |                      |
| Automobile and Wagon Shed .....               | 1,700.00  | 67,700.00            |
| <b>TOTAL</b> .....                            |           | <b>\$ 260,400.00</b> |

*SCHOOL FOR THE DEAF AND BLIND.**Maintenance:*

|                             |              |              |
|-----------------------------|--------------|--------------|
| Salaries .....              | \$ 57,500.00 |              |
| Operation and Expense ..... | 39,324.00    | \$ 96,824.00 |

*Improvements:*

|                                                    |           |                      |
|----------------------------------------------------|-----------|----------------------|
| Laundry, Printing and Piano Tuning Equipment ..... | 2,500.00  |                      |
| Silo and Walks .....                               | 750.00    |                      |
| School Building and Shop .....                     | 60,000.00 | 63,250.00            |
| <b>TOTAL</b> .....                                 |           | <b>\$ 160,074.00</b> |

SEC. 2. That the State Auditor shall, quarterly, on the first day of January, April, July, and October of each year, for which the appropriations as herein named are made, render to the State Board of Education and Board of Regents of the University of Idaho a statement of the balance in each fund for which an appropriation is made by this Act.

SEC. 3. That the State Auditor is hereby authorized, upon presentation of the proper vouchers or claims against the State, approved by the State Board of Examiners, as



provided by law, to draw his warrant upon the proper fund and against the proper appropriation made by Section 1 of this Act, and he shall classify such vouchers as to the several state institutions and funds to which they may pertain.

SEC. 4. That the State Board of Education or any member, officer, agent or employee thereof or the Board of Regents of the University of Idaho, or any member, officer, agent or employee thereof, or the State Superintendent of Public Instruction or any agent or employee thereof, shall enter into no contract or agreement creating any expense or incurring any liability, moral, legal, or otherwise, in excess of the appropriations herein named or made for the specific purposes mentioned or for any other purpose, unless written authorization to make such expenditure or to incur such liability has been obtained from the State Board of Examiners of the State of Idaho. Any person or persons violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall be subject to removal from the position held, by the Governor of the State. Any indebtedness attempted to be created against the State in violation of the provisions of this Act shall be void.

SEC. 5. That each State officer, deputy or employee and each State Board authorized by law to expend any appropriation herein made by this Act, shall cause to be made and kept on file in his department, office or institution, duplicate vouchers of all claims presented to the State Board of examiners, as well as an itemized account of all expenditures made by him or them or under his or their direction, and report the same in itemized form as to classes of expenditure, to the Committee on State Affairs and the Committee on Appropriation of the Sixteenth regular Session of the State Legislature.

SEC. 6. An emergency existing therefor, this Act shall be in force from and after its passage and approval.

Approved March 17, 1919.

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## CHAPTER 87.

(H. B. No. 275.)

### AN ACT

TO PROVIDE FOR THE PAYMENT OF CLAIMS AGAINST THE STATE FOR SUPPLIES HERETOFORE FURNISHED, AND FOR SERVICES HERETOFORE RENDERED IN THE SEVERAL DEPARTMENTS OF THE STATE GOVERNMENT

FOR WHICH INSUFFICIENT APPROPRIATIONS WERE MADE; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the sum of One Hundred and Forty-Five Thousand, Eight Hundred and Forty-Eight and Eighty-Three Hundredths (\$145,848.83) Dollars is hereby appropriated for the payment of claims against the State out of any moneys in the State Treasury not otherwise appropriated, for supplies heretofore furnished, and for services heretofore rendered in the several departments of the State Government, for which insufficient appropriations were made, which claims have been considered and acted upon by the State Board of Examiners, said claims being named and dated in amounts as follows, towit:

*Date.*

|                                             |             |
|---------------------------------------------|-------------|
| June 12, 1918 Boise Coal Co. ....           | \$ 3,634.34 |
| Aug. 14, 1918 Boise-Payette Lumber Co. .... | 491.56      |
| Dec. 23, 1918 R. H. Barnes .....            | 100.00      |
| Dec. 23, 1918 Mrs. M. A. Barnes .....       | 40.00       |
| Dec. 23, 1918 J. M. Taylor .....            | 50.00       |
| Dec. 23, 1918 E. G. Burnett .....           | 75.00       |
| Dec. 23, 1918 Mrs. Florence Bradshaw .....  | 43.60       |
| Dec. 23, 1918 Frances M. Gaunt .....        | 31.40       |
| Dec. 23, 1918 John Friend .....             | 50.00       |
| Dec. 23, 1918 Elizabeth Campbell .....      | 45.00       |
| Dec. 23, 1918 Mrs. Martha E. Waldron .....  | 50.00       |
| Dec. 23, 1918 Frank Myers .....             | 40.00       |
| Dec. 23, 1918 Ivy Wakefield .....           | 18.00       |
| Dec. 23, 1918 Mrs. W. A. Mason .....        | 64.00       |
| Dec. 23, 1918 G. A. Culver .....            | 125.00      |
| Dec. 23, 1918 John Rowland .....            | 40.00       |
| Dec. 23, 1918 Gus Odor .....                | 25.00       |
| Dec. 23, 1918 Peter Anderson .....          | 25.00       |
| Dec. 23, 1918 J. P. Taylor .....            | 20.00       |
| Dec. 23, 1918 E. I. Gillette .....          | 40.00       |
| Dec. 23, 1918 Carrie Freeman .....          | 35.00       |
| Dec. 23, 1918 Laura Orcutt .....            | 35.00       |
| Dec. 23, 1918 John Hine .....               | 15.00       |
| Dec. 23, 1918 M. Lange .....                | 20.00       |
| Dec. 23, 1918 David Butler .....            | 50.00       |
| Dec. 23, 1918 Howard Williams .....         | 35.00       |
| Dec. 23, 1918 Geo. Richardson .....         | 40.00       |
| Dec. 23, 1918 May Williams .....            | 40.00       |
| Dec. 23, 1918 Mrs. Cora Gillette .....      | 12.50       |
| Dec. 23, 1918 Raabe Tea & Coffee Co. ....   | 376.00      |



| DATE.                           | CLAIMANT.                            | AMOUNT.     |
|---------------------------------|--------------------------------------|-------------|
| Dec. 23, 1918                   | Church & Bilderback .....            | 304.15      |
| Dec. 23, 1918                   | August Anderson .....                | 183.75      |
| Dec. 23, 1918                   | Boise Co-Operative Creamery Co. ...  | 141.95      |
| Dec. 23, 1918                   | Davis Meat Co. ....                  | 130.61      |
| Dec. 23, 1918                   | Boise Valley Packing Co. ....        | 128.49      |
| Dec. 23, 1918                   | Purity Bakery .....                  | 94.42       |
| Dec. 23, 1918                   | W. G. Ross and Co. ....              | 29.10       |
| Dec. 23, 1918                   | Boise Butcher Co. ....               | 24.30       |
| Dec. 23, 1918                   | Boise Ice and Produce Co. ....       | 13.60       |
| Dec. 23, 1918                   | McDevitt & Little .....              | 321.50      |
| Dec. 23, 1918                   | The Hub Clothing Store .....         | 141.00      |
| Dec. 23, 1918                   | White-Runyon Shoe Co. ....           | 23.50       |
| Dec. 23, 1918                   | Reibe & Cooper .....                 | 15.80       |
| Dec. 23, 1918                   | Swift and Co. ....                   | 36.14       |
| Dec. 23, 1918                   | Idaho Power Co. ....                 | 80.95       |
| Dec. 23, 1918                   | A. Cunningham & Co. ....             | 13.70       |
| Dec. 23, 1918                   | F. W. Galbraith .....                | 79.40       |
| Dec. 23, 1918                   | Boise Art. Hot & Cold Water Co. ...  | 55.70       |
| Dec. 23, 1918                   | Golden Rule Store .....              | 14.48       |
| Dec. 23, 1918                   | Idaho Hardware Co. ....              | 10.75       |
| Dec. 23, 1918                   | Wise Piano House .....               | 5.50        |
| Dec. 23, 1918                   | Sweet-Teller Co. ....                | 4.55        |
| Dec. 23, 1918                   | M. Seller and Co. ....               | 8.46        |
| Dec. 23, 1918                   | Downey & Wilder .....                | 1.25        |
| Dec. 23, 1918                   | B. J. Hetherington & Co. ....        | 24.10       |
| Dec. 23, 1918                   | Davis and Eiden .....                | 10.00       |
| Dec. 23, 1918                   | Model Plumbing Co. ....              | 19.25       |
| Dec. 23, 1918                   | Central Coal & Seed Co. ....         | 118.20      |
| Dec. 23, 1918                   | Otto Eakins .....                    | 15.00       |
| Dec. 23, 1918                   | Hawkeye Lumber Co. ....              | 19.50       |
| Dec. 23, 1918                   | J. H. Cobley .....                   | 11.50       |
| Dec. 23, 1918                   | Ed. Lacoutre .....                   | 12.50       |
| Dec. 23, 1918                   | Fry & Summers Co. ....               | 60.50       |
| Dec. 23, 1918                   | McBratney Co. ....                   | 55.50       |
| Dec. 23, 1918                   | Rev. Alward Chamberlain .....        | 5.00        |
| Dec. 23, 1918                   | Mountain States Tel. & Tel. Co. .... | 27.00       |
| Dec. 23, 1918                   | Boise Motor Car Co. ....             | 10.07       |
| Dec. 23, 1918                   | Boise Floral Co. ....                | 8.00        |
|                                 |                                      | <hr/>       |
|                                 |                                      | \$ 7,925.57 |
| Interest to March 1, 1919 ..... |                                      | 249.41      |
|                                 |                                      | <hr/>       |
|                                 |                                      | \$ 8,174.98 |
| Dec. 26, 1918                   | Purity Bakery .....                  | \$ 79.20    |
| Dec. 26, 1918                   | F. W. Galbraith .....                | 62.15       |

|                                                        |             |
|--------------------------------------------------------|-------------|
| Dec. 26, 1918 Boise Artesian Hot & Cold Water Co. .... | 46.05       |
| Dec. 26, 1918 B. J. Hetherington Co. ....              | 61.20       |
| Dec. 26, 1918 August Anderson .....                    | 190.75      |
| Dec. 26, 1918 Boise Butcher Co. ....                   | 265.31      |
| Dec. 26, 1918 Boise Co-Operative Creamery Co. ...      | 238.87      |
| Dec. 26, 1918 Church & Bilderback .....                | 298.80      |
| Dec. 26, 1918 Raabe Tea & Coffee Co. ....              | 432.15      |
| Dec. 26, 1918 M. Seller & Co. ....                     | 26.95       |
| Dec. 26, 1918 Central Coal & Seed Co. ....             | 126.40      |
| Dec. 26, 1918 Golden Rule Store .....                  | 87.60       |
| Dec. 26, 1918 Jenkins Furniture Co. ....               | 105.90      |
| Dec. 26, 1918 The Hub Clothing Store .....             | 219.50      |
| Dec. 26, 1918 McDevitt & Little .....                  | 605.05      |
| Dec. 26, 1918 Idaho Power Co. ....                     | 222.45      |
| Dec. 26, 1918 Arch Cunningham & Co. ....               | 173.00      |
|                                                        | <hr/>       |
|                                                        | 3,241.32    |
|                                                        | <hr/>       |
|                                                        | \$11,416.30 |

*LEWISTON NORMAL SCHOOL.*

|                                           |             |
|-------------------------------------------|-------------|
| May 20, 1918 Roth Construction Co. ....   | \$ 3,797.75 |
| June 3, 1918 Roth Construction Co. ....   | 4,200.00    |
| Oct. 28, 1918 Housch Beckman Co. ....     | 329.77      |
| Oct. 28, 1918 Housch Beckman Co. ....     | 36.96       |
| Oct. 28, 1918 Lewiston Furniture Co. .... | 257.00      |
| Oct. 28, 1918 Roth Construction Co. ....  | 4,253.00    |
| Nov. 20, 1918 Atlas Relief Map Co. ....   | 100.00      |
| Jan. 4, 1919 Jones & Dillingham .....     | 43.20       |
| Jan. 4, 1919 The Doerr-Mitchell Co. ....  | 394.70      |
| Jan. 4, 1919 Troy Lumber Mfg. Co. ....    | 150.00      |
| Jan. 4, 1919 N. A. Nelson .....           | 30.00       |
| Jan. 4, 1919 John W. Graham Co. ....      | 209.20      |
|                                           | <hr/>       |
|                                           | \$13,801.58 |
| Interest to March 1, 1919 .....           | 547.22      |
|                                           | <hr/>       |
|                                           | \$14,348.80 |

|                                                   |          |
|---------------------------------------------------|----------|
| Jan. 21, 1919 Joseph Perrault .....               | 51.70    |
| Jan. 21, 1919 Idanha Pharmacy .....               | 1.80     |
| Jan. 21, 1919 Library Bureau .....                | 5.00     |
| Jan. 21, 1919 American Political Science Ass's... | 7.00     |
| Jan. 21, 1919 Library Bureau .....                | 1,369.75 |
| Jan. 21, 1919 Roth Construction Co. ....          | 8,455.66 |
| Jan. 21, 1919 Chas. Scribner & Sons .....         | 4.50     |



|                                  |                  |
|----------------------------------|------------------|
| Jan. 21, 1919 C. M. Bonson ..... | 214.11           |
|                                  | <u>10,109.52</u> |

Total for Lewiston Normal School.. 24,458.32

*IDAHO TECHNICAL INSTITUTE.*

|                                              |                    |
|----------------------------------------------|--------------------|
| Nov. 20, 1918 Chas. H. Sell .....            | \$ 435.00          |
| Nov. 20, 1918 Carlson Hardware Co. ....      | 37.64              |
| Nov. 20, 1918 Geo. Gittins Jr. ....          | 164.00             |
| Nov. 20, 1918 Boise Payette Lumber Co. ....  | 218.39             |
| Nov. 20, 1918 Loux Mc Connell Co. ....       | 143.50             |
| Nov. 20, 1918 Gem State Lumber Co. ....      | 402.65             |
| Nov. 20, 1918 Nibley-Channel Lumber Co. .... | 361.52             |
| Nov. 20, 1918 Bowerman Lumber Co. ....       | 1,588.68           |
| Nov. 20, 1918 Bistline Lumber Co. ....       | 319.63             |
| Nov. 20, 1918 Chas. H. Sell .....            | 761.35             |
| Jan. 4, 1918 Chas. H. Sell .....             | 1,972.01           |
| Jan. 4, 1918 Boise-Payette Lumber Co. ....   | 44.00              |
| Jan. 4, 1918 Nibley-Channel Lumber Co. ....  | 66.00              |
| Jan. 4, 1918 Bowerman Lumber Co. ....        | 444.64             |
|                                              | <u>\$ 6,959.01</u> |

Interest to March 1, 1919. .... 143.30

Total for Idaho Technical Institute 7,012.31

*CAPITOL BUILDING.*

|                                    |                    |
|------------------------------------|--------------------|
| Dec. 23, 1918 R. B. Jones .....    | \$ 125.00          |
| Dec. 23, 1918 R. S. Anderson ..... | 100.00             |
| Dec. 23, 1918 John O'Donnell ..... | 100.00             |
| Dec. 23, 1918 James McKnight ..... | 85.00              |
| Dec. 23, 1918 John Ewery .....     | 75.00              |
| Dec. 23, 1918 Edith Kinsey .....   | 32.50              |
| Dec. 23, 1918 Mary Burns .....     | 65.00              |
| Dec. 23, 1918 John Green .....     | 90.00              |
| Dec. 23, 1918 Chas. Irwin .....    | 90.00              |
| Dec. 23, 1918 F. W. Magner .....   | 85.00              |
| Dec. 23, 1918 H. F. Spieler .....  | 85.00              |
| Dec. 23, 1918 John Vocu .....      | 85.00              |
| Dec. 23, 1918 C. A. Williams ..... | 16.66              |
| Dec. 23, 1918 J. Warden .....      | 85.00              |
| Dec. 23, 1918 R. H. Horton .....   | 85.00              |
| Dec. 23, 1918 C. W. Johnson .....  | 85.00              |
|                                    | <u>\$ 1,289.16</u> |

Interest to March 1, 1919 .... 16.56

1,305.72

|               |                                   |                |
|---------------|-----------------------------------|----------------|
| Jan. 21, 1919 | Mountain States Tel. Co. ....     | \$ 115.35      |
| Jan. 21, 1919 | Idaho Power & Light Co. ....      | 148.85         |
| Jan. 21, 1919 | Idaho Power & Light Co. ....      | 143.35         |
| Jan. 21, 1919 | Boise Coal Company .....          | 747.50         |
| Jan. 21, 1919 | Central Coal & Seed Co. ....      | 1,079.10       |
| Jan. 21, 1919 | Banner Chemical Co. ....          | 258.90         |
| Jan. 21, 1919 | Idaho Electric Supply Co. ....    | 112.50         |
| Jan. 21, 1919 | Boise-Payette Lumber Co. ....     | 519.33         |
| Feb. 5, 1919  | Lloyd Donaldson Electric Co. .... | 88.00          |
|               |                                   | <hr/> 3,212.88 |

Total for Capitol Building ..... 4,518.60

### NORTHERN IDAHO SANITARIUM.

| <i>Date</i>   | <i>Claimant</i>                               | <i>Amount.</i> |
|---------------|-----------------------------------------------|----------------|
| Nov. 16, 1918 | Orofino Mercantile Co. ....                   | \$ 1,516.38    |
| Nov. 16, 1918 | Orofino Trading Co. ....                      | 1,290.59       |
| Nov. 16, 1918 | Grangeville Electric Light & Power Co. ....   | 151.10         |
| Nov. 16, 1918 | Madison Lumber & Mill Co. ....                | 278.41         |
| Nov. 16, 1918 | Frank Zelenka .....                           | 124.80         |
| Nov. 16, 1918 | Oud Shields Hardware Co. ....                 | 126.80         |
| Dec. 14, 1918 | Orofino Mercantile Co. ....                   | 750.70         |
| Dec. 14, 1918 | Noftsgers Department Store .....              | 207.76         |
| Dec. 14, 1918 | Madison Lumber & Mill Co. ....                | 50.17          |
| Dec. 14, 1918 | Grangeville Electric Light and Power Co. .... | 228.40         |
| Dec. 14, 1918 | Oud Shields Hardware Co. ....                 | 485.05         |
| Dec. 14, 1918 | Orofino Trading Co. ....                      | 330.83         |
| Dec. 14, 1918 | H. D. Brittan .....                           | 204.50         |
| Dec. 14, 1918 | Crescent Paint & Mfg. Co. ....                | 112.00         |
| Jan. 18, 1919 | Orofino Trading Co. ....                      | 1,194.37       |
| Jan. 18, 1919 | Owl Drug Co., Ltdd. ....                      | 13.55          |
| Jan. 18, 1919 | E. F. Oppliger .....                          | 67.08          |
| Jan. 18, 1919 | Orofino Mercantile Co. ....                   | 381.07         |
| Jan. 18, 1919 | Samson Snyder .....                           | 8.80           |
| Jan. 18, 1919 | S. T. Silvey .....                            | 7.92           |
| Jan. 18, 1919 | Adolph Smith .....                            | 20.00          |
| Jan. 18, 1919 | Charles Shine .....                           | 65.76          |
| Jan. 18, 1919 | J. W. Atteberry .....                         | 1.00           |
| Jan. 18, 1919 | E. H. Atherton .....                          | 87.95          |
| Jan. 18, 1919 | J. G. Bullock .....                           | 291.50         |
| Jan. 18, 1919 | Booth Fisheries Co. ....                      | 28.89          |
| Jan. 18, 1919 | Ed Donath .....                               | 48.75          |
| Jan. 18, 1919 | Grangeville Electric Light and Power Co. .... | 211.70         |



|                                                |        |
|------------------------------------------------|--------|
| Jan. 18, 1919 Kendrick Gazette .....           | 5.00   |
| Jan. 18, 1919 C. A. Krogh .....                | 3.70   |
| Jan. 18, 1919 Hagan & Cushing Co. ....         | 20.45  |
| Jan. 18, 1919 O. H. Linn .....                 | 104.52 |
| Jan. 18, 1919 A. C. Longeteig .....            | 34.84  |
| Jan. 18, 1919 F. I. Lindgren .....             | 16.75  |
| Jan. 18, 1919 Lewiston Tribune .....           | 50.00  |
| Jan. 18, 1919 Moscow Publishing Co. ....       | 5.00   |
| Jan. 18, 1919 Madison Lumber & Mill Co. ....   | 9.60   |
| Jan. 18, 1919 Northern Pacific Ry. Co. ....    | 5.31   |
| Jan. 18, 1919 George W. Welker .....           | 11.35  |
| Jan. 18, 1919 Noftsgers Department Store ..... | 12.28  |
| Jan. 18, 1919 Oud Shields Hardware Co. ....    | 87.40  |
| Jan. 1, 1919 Atteberry, J. W. ....             | 60.00  |
| Jan. 1, 1919 E. Bemis .....                    | 47.50  |
| Jan. 1, 1919 Anna Bemis .....                  | 42.50  |
| Jan. 1, 1919 Fred Billberg .....               | 42.50  |
| Jan. 1, 1919 Frances Bradley .....             | 42.50  |
| Jan. 1, 1919 D. L. Campbell .....              | 47.50  |
| Jan. 1, 1919 Blanche Campbell .....            | 42.50  |
| Jan. 1, 1919 R. H. Davidson .....              | 42.50  |
| Jan. 1, 1919 Wm. Doran .....                   | 60.00  |
| Jan. 1, 1919 Psyche Griffin .....              | 42.50  |
| Jan. 1, 1919 A. M. Hathaway .....              | 47.50  |
| Jan. 1, 1919 Mary Hathaway .....               | 42.50  |
| Jan. 1, 1919 Lawrence Hays .....               | 47.50  |
| Jan. 1, 1919 Jennie Hays .....                 | 42.50  |
| Jan. 1, 1919 Mary L. Hamilton .....            | 45.00  |
| Jan. 1, 1919 Lillie Hundson .....              | 37.50  |
| Jan. 1, 1919 Andrew Hill .....                 | 47.50  |
| Jan. 1, 1919 Mary Hill .....                   | 42.50  |
| Jan. 1, 1919 J. C. Hardy .....                 | 47.50  |
| Jan. 1, 1919 Alga M. Hardy .....               | 42.50  |
| Jan. 1, 1919 P. M. Johnson .....               | 70.00  |
| Jan. 1, 1919 John Johnson .....                | 43.55  |
| Jan. 1, 1919 Grace O'Neil .....                | 55.00  |
| Jan. 1, 1919 George Palmer .....               | 47.50  |
| Jan. 1, 1919 Dora Palmer .....                 | 37.02  |
| Jan. 1, 1919 Anna Sarcher .....                | 60.00  |
| Jan. 1, 1919 Wm. Staples .....                 | 50.00  |
| Jan. 1, 1919 Rush Wilderson .....              | 49.04  |
| Jan. 1, 1919 George T. Cook .....              | 13.79  |
| Jan. 1, 1919 John W. Givens .....              | 250.00 |
| Jan. 5, 1919 J. W. Atteberry .....             | 10.00  |
| Jan. 5, 1919 E. Bemis .....                    | 7.92   |
| Jan. 5, 1919 Anna Bemis .....                  | 7.08   |
| Jan. 5, 1919 Fred Billberg .....               | 7.08   |

|              |                        |       |
|--------------|------------------------|-------|
| Jan. 5, 1919 | Frances Bradley .....  | 7.08  |
| Jan. 5, 1919 | D. L. Campbell .....   | 7.92  |
| Jan. 5, 1919 | Blanche Campbell ..... | 7.08  |
| Jan. 5, 1919 | R. H. Davidson .....   | 7.08  |
| Jan. 5, 1919 | Wm. Doran .....        | 10.00 |
| Jan. 5, 1919 | Psyche Griffin .....   | 7.08  |
| Jan. 5, 1919 | A. M. Hathaway .....   | 7.92  |
| Jan. 5, 1919 | Mary Hathaway .....    | 7.08  |
| Jan. 5, 1919 | Lawrence Hays .....    | 7.92  |
| Jan. 5, 1919 | Jennie Hays .....      | 7.08  |
| Jan. 5, 1919 | Mary L. Hamilton ..... | 7.50  |
| Jan. 5, 1919 | Lillie Hudson .....    | 6.25  |
| Jan. 5, 1919 | Andrew Hill .....      | 7.92  |
| Jan. 5, 1919 | Mary Hill .....        | 7.08  |
| Jan. 5, 1919 | J. C. Hardy .....      | 7.92  |
| Jan. 5, 1919 | Alga M. Hardy .....    | 7.08  |
| Jan. 5, 1919 | P. M. Johnson .....    | 11.67 |
| Jan. 5, 1919 | Grace O'Neil .....     | 9.12  |
| Jan. 5, 1919 | George Palmer .....    | 7.92  |
| Jan. 5, 1919 | Dora Palmer .....      | 7.08  |
| Jan. 5, 1919 | Anna Sarcher .....     | 10.00 |
| Jan. 5, 1919 | Wm. Staples .....      | 8.33  |
| Jan. 5, 1919 | Rush Wilderson .....   | 7.92  |
| Jan. 5, 1919 | George T. Cook .....   | 7.92  |
| Jan. 5, 1919 | John W. Givens .....   | 41.67 |

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Total for Northern Idaho Sanitarium \$10,504.13

#### IDAHO INSANE ASYLUM.

|               |                              |           |
|---------------|------------------------------|-----------|
| Dec. 31, 1918 | W. R. Robertson .....        | \$ 239.35 |
| Dec. 31, 1918 | Morgan & Barclay .....       | 204.85    |
| Dec. 31, 1918 | William Squires .....        | 90.00     |
| Dec. 31, 1918 | Jorgenson & Co. ....         | 40.50     |
| Dec. 31, 1918 | Idaho Furniture Co. ....     | 286.00    |
| Dec. 31, 1918 | W. F. Berryman .....         | 1,280.00  |
| Dec. 31, 1918 | San Juan Fishing Co. ....    | 39.05     |
| Dec. 31, 1918 | William Paul .....           | 342.50    |
| Dec. 31, 1918 | Mackay Telephone Co. ....    | 3.70      |
| Dec. 31, 1918 | Ben I. Hillman .....         | 46.50     |
| Dec. 31, 1918 | DeKay Cigar Store .....      | 23.41     |
| Dec. 31, 1918 | Swiss Textile Co. ....       | 37.50     |
| Dec. 31, 1918 | Neil Boyle Hardware Co. .... | 97.22     |
| Dec. 31, 1918 | S. L. Reece .....            | 13.34     |
| Dec. 31, 1918 | Western Union Tel. Co. ....  | 6.67      |
| Dec. 31, 1918 | Crane Co. ....               | 59.90     |
| Dec. 31, 1918 | Western Union Tel. Co. ....  | 4.20      |
| Dec. 31, 1918 | Delbert Hodson .....         | 365.80    |



|                                                  |        |
|--------------------------------------------------|--------|
| Dec. 31, 1918 Leo Henesh .....                   | 46.55  |
| Dec. 31, 1918 Bond Bros. & Co. ....              | 42.00  |
| Nov. 12, 1919 Blackfoot Farmers Milling Co. .... | 956.15 |
| Dec. 31, 1918 John Taylor .....                  | 76.50  |
| Jan. 6, 1919 Mackay Miner .....                  | 417.75 |
| Jan. 6, 1919 D. H. Biethan .....                 | 306.25 |
| Jan. 6, 1919 Brown-Eldredge Furniture Co. ....   | 32.72  |
| Jan. 6, 1919 Idaho Republican .....              | 37.50  |
| Jan. 6, 1918 Kinney Mercantile Co. ....          | 234.00 |
| Jan. 6, 1919 Blackfoot Farmers Mill Co. ....     | 493.50 |
| Jan. 6, 1919 Western Union Tel. Co. ....         | 9.22   |
| Jan. 6, 1919 Western Electric Co. ....           | 15.78  |
| Jan. 6, 1919 Boyle Sheet Metal Works Co. ....    | 50.87  |
| Jan. 6, 1919 F. H. Hassing .....                 | 11.50  |
| Jan. 6, 1919 Mountain States Tel. Co. ....       | 16.60  |
| Jan. 6, 1919 D. H. BIRTHAN .....                 | 22.50  |
| Jan. 6, 1919 Meinecke Co. ....                   | 239.55 |
| Jan. 6, 1919 G. Spongberg .....                  | 23.00  |
| Jan. 6, 1919 R. D. Thatcher .....                | 48.59  |
| Jan. 6, 1918 Idaho Insane Asylum .....           | 276.89 |
| Dec. 31, 1918 Dr. R. N. Jackson .....            | 250.00 |
| Dec. 31, 1918 Rex Nelson .....                   | 85.00  |
| Dec. 31, 1918 Marie Weber .....                  | 37.50  |
| Dec. 31, 1918 Ruth Nelson .....                  | 50.00  |
| Dec. 31, 1918 C. S. Perkins .....                | 70.00  |
| Dec. 31, 1918 Ross Glassborn .....               | 85.00  |
| Dec. 31, 1918 Elmer Johnson .....                | 50.00  |
| Dec. 31, 1918 L. E. Killion .....                | 85.00  |
| Dec. 31, 1918 J. T. Robison .....                | 50.00  |
| Dec. 31, 1918 T. J. Burns .....                  | 85.00  |
| Dec. 31, 1918 Ira Harding .....                  | 40.00  |
| Dec. 31, 1918 Perry Morrow .....                 | 50.00  |
| Dec. 31, 1918 C. E. Crouch .....                 | 50.00  |
| Dec. 31, 1918 W. W. Saunders .....               | 50.00  |
| Dec. 31, 1918 Ira Moore .....                    | 50.00  |
| Dec. 31, 1918 James Beatty .....                 | 50.00  |
| Dec. 31, 1918 C. E. Williams .....               | 50.00  |
| Dec. 31, 1918 James Donahue .....                | 50.00  |
| Dec. 31, 1918 E. R. Arnold .....                 | 15.00  |
| Dec. 31, 1918 John Kloe .....                    | 16.66  |
| Dec. 31, 1918 Audrea Perkin .....                | 40.00  |
| Dec. 31, 1918 Josephine Harding .....            | 40.00  |
| Dec. 31, 1918 Gladys Beatty .....                | 40.00  |
| Dec. 31, 1918 Elizabeth Phinney .....            | 45.00  |
| Dec. 31, 1918 Pearl Ross .....                   | 40.00  |
| Dec. 31, 1918 Nora Crouch .....                  | 40.00  |
| Dec. 31, 1918 Estella Williams .....             | 40.00  |

|                                      |       |
|--------------------------------------|-------|
| Dec. 31, 1918 Beatrice Seavers ..... | 40.00 |
| Dec. 31, 1918 Celia Moore .....      | 45.00 |
| Dec. 31, 1918 Dorothy Saunders ..... | 40.00 |
| Dec. 31, 1918 Helen Donahue .....    | 13.33 |
| Dec. 31, 1918 Mrs. John Kloe .....   | 26.67 |
| Dec. 31, 1918 Doris Dunn .....       | 31.67 |
| Dec. 31, 1918 Hazel McKellar .....   | 20.00 |

Total for Idaho Insane Asylum.....\$8,308.74

*STATE COUNCIL OF DEFENSE.*

|                                                                                                                                   |          |
|-----------------------------------------------------------------------------------------------------------------------------------|----------|
| May 19, 1917 A. W. Laird, traveling expense.....\$                                                                                | 27.40    |
| May 19, 1917 Frank R. Gooding, traveling ex-<br>pense .....                                                                       | 67.50    |
| May 19, 1917 Ed. C. Rich, traveling expense.....                                                                                  | 35.50    |
| May 19, 1917 E. L. Alford, traveling expense.....                                                                                 | 45.85    |
| May 19, 1917 Western Union Tele. Co., Services....                                                                                | 92.63    |
| June 8, 1917 Joseph Hansen, traveling expense.....                                                                                | 144.45   |
| June 8, 1917 Joseph Hansen, Salary.....                                                                                           | 200.00   |
| June 8, 1917 Harry L. Day, traveling expense .....                                                                                | 39.40    |
| June 27, 1917 Caldwell Printing Co., Printing.....                                                                                | 11.00    |
| June 27, 1917 Capital News Pub. Co., Printing.....                                                                                | 15.00    |
| June 27, 1917 James Leitch, traveling expense.....                                                                                | 58.30    |
| July 16, 1917 E. L. Parker, traveling expense .....                                                                               | 59.85    |
| Aug. 17, 1917 Capital News Pub. Co., Printing.....                                                                                | 2.00     |
| Aug. 17, 1917 Western Union Tele. Co., Services....                                                                               | 1.25     |
| Aug. 17, 1917 Western Union Tele. Co., Services....                                                                               | 23.14    |
| Aug. 17, 1917 Overland Nat'l Bank, Assignment<br>claim, W. T. Dougherty traveling ex-<br>pense .....                              | 490.00   |
| Aug. 17, 1917 Joseph Hansen, salary and traveling<br>expense .....                                                                | 483.30   |
| Sept. 13, 1917 City of Harrison, Kootenai County,<br>fire fighters .....                                                          | 1,560.70 |
| Sept. 13, 1917 A. C. Kehoe, stenographic services<br>in connection with investigations of<br>I. W. W. trouble in Northern Idaho.. | 79.75    |
| Sept. 13, 1917 Lawrence M. Larson .....                                                                                           | 78.30    |
| Sept. 13, 1917 Ed. C. Rich, traveling expense.....                                                                                | 73.10    |
| Oct. 20, 1917 Statesman Printing Co., printing and<br>supplies .....                                                              | 127.20   |
| Oct. 20, 1917 Nathan Ricks, traveling expense.....                                                                                | 118.00   |
| Nov. 27, 1917 E. H. Lindley, traveling expense.....                                                                               | 23.30    |
| Nov. 27, 1917 Ed. C. Rich, traveling expense.....                                                                                 | 30.00    |
| Nov. 27, 1917 Western Union Tele. Co., Services....                                                                               | 10.18    |
| Nov. 27, 1917 Charles A. Sunderlin, traveling ex-<br>pense .....                                                                  | 23.40    |



|               |                                                                                          |        |
|---------------|------------------------------------------------------------------------------------------|--------|
| Nov. 27, 1917 | Western Union Tele. Co., Services.....                                                   | 4.10   |
| Nov. 27, 1917 | J. F. Ailshie, traveling expense.....                                                    | 56.07  |
| Nov. 27, 1917 | Andrew C. Jensen & Co., Supplies.....                                                    | 6.90   |
| Nov. 27, 1917 | A. G. Kennard, Ptg. Stationery, etc.....                                                 | 29.50  |
| Nov. 27, 1917 | E. L. Alford, traveling expense.....                                                     | 29.60  |
| Nov. 27, 1917 | Nathan Ricks, traveling expense.....                                                     | 37.00  |
| Nov. 27, 1917 | G. A. Axline, traveling expense.....                                                     | 26.05  |
| Nov. 27, 1918 | Western Union Tele. Co., telegrams.....                                                  | 10.68  |
| Dec. 13, 1917 | Capital News Pub. Co., Printing.....                                                     | 11.00  |
| Dec. 13, 1917 | Mrs. S. H. Hays, cards womans com-<br>mittee census .....                                | 10.00  |
| Dec. 13, 1917 | H. J. Fleischer, traveling expense,<br>investigate car situation.....                    | 19.78  |
| Dec. 13, 1917 | M. Alexander, Postage.....                                                               | 20.00  |
| Dec. 13, 1917 | Mountain States Telephone and Tele-<br>graph Co., Telegrams .....                        | 7.50   |
| Dec. 13, 1917 | D. A. Dunning, tables and chairs.....                                                    | 26.00  |
| Dec. 13, 1917 | W. E. Pierce & Co., rental office.....                                                   | 35.00  |
| Dec. 24, 1917 | Overland Nat'l Bank, Assignment ac-<br>count Edward T. Biwer, traveling<br>expense ..... | 100.05 |
| Dec. 24, 1917 | Mable Bramwell, stenographic work.....                                                   | 10.50  |
| Dec. 24, 1917 | Western Union Tele. Co., Service.....                                                    | .61    |
| Dec. 24, 1917 | John J. Blake, Table.....                                                                | 25.00  |
| Dec. 24, 1917 | Western Union Tele. Co., Service.....                                                    | 2.73   |
| Dec. 24, 1917 | Peasley Transfer & Storage Co.,<br>Drayage .....                                         | 3.25   |
| Dec. 24, 1917 | C. H. Edwards, flat top desk.....                                                        | 20.00  |
| Dec. 24, 1917 | A. G. Kennard, Printing, etc.....                                                        | 10.50  |
| Dec. 24, 1917 | G. Treffry, small table.....                                                             | 2.00   |
| Dec. 24, 1917 | E. A. Bryan, supplies, filing cabinet.....                                               | 2.45   |
| Dec. 24, 1917 | Andrew C. Jensen, office supplies.....                                                   | 29.95  |
| Dec. 24, 1917 | E. A. Bryan, traveling expense.....                                                      | 17.29  |
| Dec. 24, 1917 | E. A. Bryan, Postage .....                                                               | 20.00  |
| Dec. 24, 1917 | R. M. McCracken, traveling expense.....                                                  | 51.74  |
| Dec. 24, 1917 | Overland Nat'l Bank, salary Joseph<br>Hansen .....                                       | 292.95 |
| Dec. 24, 1917 | Mrs. S. H. Hays, cards, postage, etc.....                                                | 48.54  |
| Dec. 24, 1917 | R. L. Scutt, Salary, Ass't. Secy.,<br>November, 1917 .....                               | 26.66  |
| Dec. 24, 1917 | Capital News Pub. Co., printing, etc.....                                                | 32.25  |
| Jan. 7, 1918  | R. L. Scutt, salary, Dec., 1917.....                                                     | 80.00  |
| Jan. 7, 1918  | M. B. Scutt, wages, getting out bulle-<br>tin .....                                      | 16.00  |
| Jan. 7, 1918  | The Woman's Committee, cards for<br>for woman's census .....                             | 81.11  |
| Jan. 7, 1918  | H. A. Lawson, salary, publicity work.....                                                | 50.00  |

|               |                                                                      |        |
|---------------|----------------------------------------------------------------------|--------|
| Jan. 7, 1918  | E. A. Bryan, postage.....                                            | 20.00  |
| Jan. 7, 1918  | Jos, Hansen, Salary .....                                            | 200.00 |
| Jan. 7, 1918  | E. H. Lindley, traveling expense.....                                | 19.72  |
| Jan. 7, 1918  | Roberts Bros., rent folding chairs.....                              | 1.20   |
| Jan. 22, 1918 | M. B. Scutt, Salary.....                                             | 30.00  |
| Jan. 22, 1918 | A. G. Kennard, printing paper, envelopes, etc. ....                  | 68.50  |
| Jan. 22, 1918 | Andrew C. Jensen & Co., supplies.....                                | 13.55  |
| Jan. 22, 1918 | Idaho Power Co., light, office.....                                  | .65    |
| Jan. 22, 1918 | Joseph Hansen, traveling expense.....                                | 28.04  |
| Jan. 22, 1918 | J. T. Pence, traveling expense.....                                  | 15.81  |
| Jan. 22, 1918 | Mountain States Tel. & Tel. Co., Telephone .....                     | 8.25   |
| Jan. 22, 1918 | Capital News Pub. Co., paper, etc., for bulletin .....               | 93.75  |
| Jan. 22, 1918 | Idaho Press Clipping Bureau, clipping service, etc., activities..... | 3.00   |
| Jan. 22, 1918 | Idaho Stationery & Printing Co., supplies .....                      | 20.10  |
| Jan. 22, 1918 | W. E. Pierce & Co., rent.....                                        | 35.00  |
| Jan. 22, 1918 | Arch Cunningham & Co., supplies.....                                 | 3.25   |
| Jan. 22, 1918 | Western Union Tele. Co., service.....                                | 19.95  |
| Jan. 22, 1918 | Ashley Sign Co., sign for door.....                                  | .35    |
| Jan. 22, 1918 | Lloyd Donaldson Electric Co., cords, lights, etc. ....               | 3.50   |
| Jan. 22, 1918 | M. Alexander, Stamps .....                                           | 9.00   |
| Jan. 22, 1918 | E. A. Bryan, Postage.....                                            | 20.00  |
| Feb. 2, 1918  | H. A. Lawson, Salary .....                                           | 50.00  |
| Feb. 2, 1918  | E. A. Bryan, Postage .....                                           | 20.00  |
| Feb. 2, 1918  | M. B. Scutt, Salary.....                                             | 40.00  |
| Feb. 2, 1918  | R. L. Scutt, Salary.....                                             | 100.00 |
| Feb. 2, 1918  | Mabel Bramwell, Salary .....                                         | 51.00  |
| Feb. 2, 1918  | Jos. Hansen, Postage.....                                            | 5.00   |
| Feb. 2, 1918  | Joseph Hansen, Salary .....                                          | 200.00 |
| Feb. 2, 1918  | Joseph Hansen, Postage .....                                         | 5.00   |
| Feb. 20, 1918 | Ed. C. Rich, traveling expense.....                                  | 35.34  |
| Feb. 20, 1918 | Intermountain Map Co., map of Idaho, .....                           | 2.00   |
| Feb. 20, 1918 | Nathan Ricks, traveling expense.....                                 | 47.64  |
| Feb. 20, 1918 | Underwood Typewriter Co., typewriter rent .....                      | 4.00   |
| Feb. 20, 1918 | B. C. Hazel, stenographic work.....                                  | 10.00  |
| Feb. 20, 1918 | J. F. Ailshie, traveling expense .....                               | 91.93  |
| Feb. 20, 1918 | Mrs. S. H. Hays, Postage.....                                        | 8.06   |
| Feb. 20, 1918 | E. A. Bryan, Postage.....                                            | 20.00  |
| Feb. 20, 1918 | Joseph Hansen, traveling expense.....                                | 45.12  |
| Feb. 20, 1918 | C. W. McClain, stenographic work.....                                | 32.90  |



## IDAHO SESSION LAWS

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|                |                                                                             |        |
|----------------|-----------------------------------------------------------------------------|--------|
| Feb. 20, 1918  | E. H. Lindley, traveling expense.....                                       | 24.10  |
| Feb. 20, 1918  | Western Union Tele. Co., Services.....                                      | 10.67  |
| Feb. 20, 1918  | M. Alexander, Postage.....                                                  | 100.00 |
| Feb. 20, 1918  | Andrew C. Jensen & Co., Supplies.....                                       | 13.30  |
| Feb. 20, 1918  | G. A. Axline, traveling expense.....                                        | 32.80  |
| Feb. 20, 1918  | A. G. Kennard, paper, printing, etc.                                        | 25.25  |
| Feb. 20, 1918  | Capital News Pub. Co., bulletin paper, envelopes, etc. ....                 | 165.75 |
| Feb. 20, 1918  | Idaho Stationery & Printing Co., supplies, mimeograph .....                 | 144.20 |
| Feb. 20, 1918, | W. E. Pierce & Co., Rent.....                                               | 35.00  |
| Feb. 20, 1918  | Mountain States Telephone & Telegraph Co., Telephone .....                  | 7.30   |
| Feb. 20, 1918  | R. L. Scutt, cash expense, office light, etc. ....                          | 5.15   |
| Feb. 20, 1918  | Woman's Committee, Cards.....                                               | 24.50  |
| Mar. 6, 1918   | W. E. Pierce & Co., Rent.....                                               | 35.00  |
| Mar. 6, 1918   | Anna M. Boswell, salary, mimeograph operator .....                          | 14.00  |
| Mar. 6, 1918   | Mabel Bramwell, salary, stenographer .....                                  | 75.00  |
| Mar. 6, 1918   | Joseph Hansen, Salary .....                                                 | 200.00 |
| Mar. 6, 1918   | R. L. Scutt, Salary.....                                                    | 100.00 |
| Mar. 6, 1918   | M. B. Scutt, Salary.....                                                    | 42.50  |
| Mar. 6, 1918   | Underwood Typewriter Co., Rent.....                                         | 4.00   |
| Mar. 6, 1918   | Woman's Committee, Cards.....                                               | 7.35   |
| Mar. 6, 1918   | Henry Z. Johnson, traveling expense                                         | 5.83   |
| Mar. 6, 1918   | Idaho Press Clipping Bureau, Services .....                                 | 3.00   |
| Mar. 6, 1918   | H. A. Lawson, Salary .....                                                  | 50.00  |
| Mar. 25, 1918  | Joseph Hansen, traveling expense.....                                       | 37.07  |
| Mar. 25, 1918  | Joseph Hansen, traveling expense.....                                       | 46.90  |
| Mar. 25, 1918  | Joseph Hansen, Salary.....                                                  | 200.00 |
| Mar. 25, 1918  | American Falls Press, Ptg. notice of hearing, disloyalty investigation..... | 9.00   |
| Mar. 25, 1918  | M. Alexander, Stamps.....                                                   | 100.00 |
| Mar. 25, 1918  | Western Union Tele. Co., Services.....                                      | 12.39  |
| Mar. 25, 1918  | Capital News Pub. Co., Paper.....                                           | 58.50  |
| Mar. 25, 1918  | Mt. States Tel. & Tel. Co., Telephone                                       | 9.40   |
| Mar. 25, 1918  | Edna M. Bickel, stenographic work                                           | 2.50   |
| Mar. 25, 1918  | Idaho Press Clipping Bureau, Services .....                                 | 3.00   |
| Mar. 25, 1918  | Idaho Stationery & Printing Co., supplies .....                             | 41.65  |
| Mar. 25, 1918  | Ruth Stamper, stenographic work ..                                          | 2.00   |
| Mar. 25, 1918  | R. L. Scutt, cash expense, office light, petty cash .....                   | 5.64   |

|               |                                                                                |        |
|---------------|--------------------------------------------------------------------------------|--------|
| Mar. 25, 1918 | A. G. Kennard, Ptg., letterheads, etc., .....                                  | 11.75  |
| Mar. 25, 1918 | Arch Cunningham & Co., Supplies .....                                          | 3.00   |
| Mar. 25, 1918 | Chas. A. Sunderlin, traveling expenses .....                                   | 31.88  |
| Apr. 6, 1918  | Mabel Bramwell, Salary .....                                                   | 85.00  |
| Apr. 6, 1918  | Anna M. Boswell, Salary .....                                                  | 60.00  |
| Apr. 6, 1918  | H. A. Lawson, Salary .....                                                     | 50.00  |
| Apr. 6, 1918  | Underwood Typewriter Co., Rent .....                                           | 4.00   |
| Apr. 6, 1918  | First Nat'l Bank of Idaho, Assignment salary R. L. Scutt .....                 | 100.00 |
| Apr. 24, 1918 | R. L. Scutt, petty cash .....                                                  | 4.95   |
| Apr. 24, 1918 | Idaho Press Clipping Bureau, Services .....                                    | 3.00   |
| Apr. 24, 1918 | Arch Cunningham & Co., Supplies .....                                          | 3.00   |
| Apr. 24, 1918 | Mountain States Tel. & Telegraph Co., Telephone .....                          | 8.35   |
| Apr. 24, 1918 | Underwood Typewriter Co., Rent .....                                           | 4.00   |
| Apr. 24, 1918 | Idaho Stationery & Printing Co., Supplies .....                                | 10.65  |
| Apr. 24, 1918 | A. G. Kennard, Ptg. letterheads .....                                          | 14.75  |
| Apr. 24, 1918 | Andrew C. Jensen & Co., Supplies .....                                         | 18.70  |
| Apr. 24, 1918 | Western Union Tel. Co., Service .....                                          | 98.59  |
| May 13, 1918  | W. E. Pierce & Co., Rent .....                                                 | 35.00  |
| May 13, 1918  | E. A. Bryan, Postage .....                                                     | 20.00  |
| May 13, 1918  | Underwood Typewriter Co., Rent .....                                           | 4.00   |
| May 13, 1918  | E. L. Parker, traveling expense .....                                          | 75.96  |
| May 13, 1918  | Mabel Bramwell, Salary .....                                                   | 80.00  |
| May 13, 1918  | Anna M. Boswell, Salary .....                                                  | 60.00  |
| May 13, 1918  | H. A. Lawson, Salary .....                                                     | 50.00  |
| May 13, 1918  | M. Alexander, Postage .....                                                    | 100.00 |
| May 13, 1918  | First Nat'l Bank of Idaho, Assignment Salary R. L. Scutt .....                 | 100.00 |
| May 13, 1918  | F. S. Randall, traveling expense .....                                         | 20.47  |
| May 13, 1918  | Overland Nat'l Bank, Salary Jos. Hansen .....                                  | 200.00 |
| May 13, 1918  | Overland Nat'l Bank, traveling exp. Jos. Hansen .....                          | 231.72 |
| May 13, 1918  | Capital News Pub. Co. (Ida. War. Census cards, paper for bulletin, etc.) ..... | 319.16 |
| May 13, 1918  | Capital News Pub. Co. ....                                                     | 300.00 |
| May 13, 1918  | Capital News Pub. Co. ....                                                     | 300.00 |
| June 3, 1918  | Mt. States Tel. & Tel. Co., Telephone .....                                    | 15.80  |
| June 3, 1918  | A. G. Kennard, Printing, etc. ....                                             | 23.00  |
| June 3, 1918  | Andrew C. Jensen & Co., Supplies ...                                           | 3.95   |



|               |                                                                     |        |
|---------------|---------------------------------------------------------------------|--------|
| June 3, 1918  | Idaho Stationery & Printing Co., Supplies .....                     | 10.00  |
| June 3, 1918  | The Company Store, Rent of Chairs .....                             | 11.25  |
| June 3, 1918  | Capital News Pub. Co., Paper, etc. ...                              | 112.50 |
| June 3, 1918  | Western Union Tel. Co., Service .....                               | 17.88  |
| June 3, 1918  | Underwood Typewriter Co., Rent .....                                | 4.00   |
| June 3, 1918  | W. E. Pierce & Co., Rent .....                                      | 35.00  |
| June 3, 1918  | M. Alexander, Stamps .....                                          | 100.00 |
| June 11, 1918 | Joseph Hansen, Salary .....                                         | 200.00 |
| June 11, 1918 | First Nat'l Bank, salary, R. L. Scutt .....                         | 100.00 |
| June 11, 1918 | Mabel Bramwell, Salary .....                                        | 80.00  |
| June 11, 1918 | Anna M. Boswell, Salary .....                                       | 60.00  |
| June 11, 1918 | W. E. Pierce & Co., Rent .....                                      | 35.00  |
| June 11, 1918 | Pinney Theater Inc., Rent of theater .....                          | 100.00 |
| June 11, 1918 | Nathan Ricks, traveling expense .....                               | 35.50  |
| June 11, 1918 | Idaho Press Clipping Bureau, Services .....                         | 6.00   |
| June 11, 1918 | H. A. Lawson, Salary .....                                          | 50.00  |
| June 11, 1918 | Owyhee Hotel, Expense Nat'l Representatives at War Conference ..... | 21.95  |
| June 11, 1918 | H. & M. Ribbon & Carbon Co., Carbon .....                           | 4.00   |
| June 25, 1918 | Mt. States Tel. & Tel. Co., Service ...                             | 6.70   |
| June 25, 1918 | Ed. C. Rich, traveling expense .....                                | 35.56  |
| June 25, 1918 | Mrs. J. R. Peterson, traveling expense .....                        | 58.55  |
| June 25, 1918 | R. L. Scutt, Petty Cash .....                                       | 3.03   |
| June 25, 1918 | Western Union Tel. Co., Service .....                               | 18.92  |
| June 25, 1918 | Lloyd Donaldson El. Co., Buzzers ...                                | 4.45   |
| June 25, 1918 | Ashley Sign Co., Signs .....                                        | 1.50   |
| June 25, 1918 | Arch Cunningham & Co., Supplies...                                  | 3.00   |
| June 25, 1918 | Roberts Bros., Rent of chairs .....                                 | 17.50  |
| June 25, 1918 | Idaho Stationery & Printing Co. Supplies .....                      | 37.80  |
| June 25, 1918 | Capital News Pub. Co., Paper, etc. for bulletin .....               | 292.25 |
| June 25, 1918 | Andrew C. Jensen & Co., Supplies ...                                | 9.70   |
| June 25, 1918 | Joseph Hansen, Postage .....                                        | 100.00 |
| June 25, 1918 | A. G. Kennard, Printing .....                                       | 11.50  |
| June 25, 1918 | G. A. Axline, traveling expense .....                               | 25.55  |
| June 25, 1918 | Joseph Hansen, traveling expense ...                                | 7.20   |
| June 25, 1918 | Joseph Hansen, Salary .....                                         | 200.00 |
| July 1, 1918  | Mabel Bramwell, Salary .....                                        | 80.00  |
| July 1, 1918  | R. L. Scutt, Salary .....                                           | 100.00 |
| July 1, 1918  | Anna M. Boswell, Salary .....                                       | 60.00  |
| July 1, 1918  | H. A. Lawson, Salary .....                                          | 50.00  |
| July 20, 1918 | Joseph Hansen, traveling expense ...                                | 76.31  |

|               |                                                    |        |
|---------------|----------------------------------------------------|--------|
| July 20, 1918 | Joseph Hansen, traveling expense ...               | 19.56  |
| July 20, 1918 | Joseph Hansen, traveling expense ...               | 16.05  |
| July 20, 1918 | R. L. Scutt, Petty Cash .....                      | 3.30   |
| July 20, 1918 | W. E. Pierce & Co., Rent .....                     | 35.00  |
| July 20, 1918 | Chas. A. Sunderlin, traveling expense .....        | 26.41  |
| July 20, 1918 | Mrs. S. H. Hays, traveling expense...              | 58.52  |
| July 20, 1918 | Andrew C. Jensen & Co., Supplies ...               | 9.90   |
| July 20, 1918 | Idaho Press Clipping Bureau, Services .....        | 3.00   |
| July 20, 1918 | Western Union Tel. Co., Service .....              | 45.81  |
| July 20, 1918 | Mt. States Tel. Co., Service .....                 | 8.95   |
| Aug. 14, 1918 | Overland Nat'l Bank, Jos. Hansen, Postage .....    | 100.00 |
| Aug. 14, 1918 | Overland Nat'l Bank, Salary, Jos. Hansen .....     | 200.00 |
| Aug. 14, 1918 | Overland Nat'l Bank, Salary, R. L. Scutt .....     | 100.00 |
| Aug. 14, 1918 | Mabel Bramwell, Salary .....                       | 80.00  |
| Aug. 14, 1918 | Anna M. Boswell, Salary .....                      | 60.00  |
| Aug. 14, 1918 | H. A. Lawson, Salary .....                         | 50.00  |
| Aug. 14, 1918 | H. A. Lawson, traveling expense .....              | 71.66  |
| Aug. 14, 1918 | W. E. Pierce & Co., Rent .....                     | 35.00  |
| Aug. 14, 1918 | R. L. Scutt, traveling expense .....               | 52.05  |
| Aug. 14, 1918 | Overland Nat'l Bank, Trav. Exp. Jos. Hansen .....  | 84.86  |
| Sept. 5, 1918 | Mrs. Lizzie B. Dickie, Cash expense, postage ..... | 2.50   |
| Sept. 5, 1918 | Syms-York Co., Legal Booklet .....                 | 155.60 |
| Sept. 5, 1918 | Mt. States Tel. & Tel. Co., Service ...            | 9.25   |
| Sept. 5, 1918 | Underwod Typewriter Co., Rent .....                | 1.00   |
| Sept. 5, 1918 | A. G. Kennard, Letterheads, env'ls .....           | 48.90  |
| Sept. 5, 1918 | Capital News Pub. Co., Paper, cards, etc. ....     | 84.75  |
| Sept. 5, 1918 | Andrew C. Jensen & Co., Typewriter supplies .....  | 103.30 |
| Sept. 5, 1918 | Western Union Tel. Co., Service .....              | 25.55  |
| Sept. 5, 1918 | Mrs. Frank Kinyon, traveling expense .....         | 71.00  |
| Sept. 5, 1918 | Mrs. S. H. Hays, traveling expense...              | 71.51  |
| Sept. 5, 1918 | Robt. T. Blair, traveling expense .....            | 86.20  |
| Sept. 5, 1918 | Joseph Hansen, Salary .....                        | 200.00 |
| Sept. 5, 1918 | Joseph Hansen, Postage .....                       | 100.00 |
| Sept. 5, 1918 | Joseph Hansen, traveling expense ...               | 23.11  |
| Sept. 5, 1918 | First Nat'l Bank, salary, R. L. Scutt .....        | 100.00 |
| Sept. 5, 1918 | R. L. Scutt, Petty Cash, lights, etc....           | 4.25   |
| Sept. 5, 1918 | Mabel Bramwell, Salary .....                       | 80.00  |



|                |                                                                          |        |
|----------------|--------------------------------------------------------------------------|--------|
| Sept. 5, 1918  | Joseph Hansen, traveling expense ...                                     | 50.38  |
| Sept. 5, 1918  | Idaho Press Clipping Bureau,<br>Service .....                            | 3.00   |
| Sept. 5, 1918  | H. A. Lawson, Salary .....                                               | 50.00  |
| Sept. 5, 1918  | Anna M. Boswell, Salary .....                                            | 60.00  |
| Sept. 26, 1918 | Western Union Tel. Co., Services .....                                   | 28.21  |
| Sept. 26, 1918 | (Capital News Pub. Co., Paper for<br>(bulletin, cards, etc. ....         | 200.00 |
| Sept. 26, 1918 | (Capital News Pub. Co., " .....                                          | 228.00 |
| Sept. 26, 1918 | Idaho Stationery & Printing Co.<br>Supplies, ink, stencils .....         | 33.75  |
| Sept. 26, 1918 | Statesman Ptg. Co., Womans Com.<br>Stationery .....                      | 18.00  |
| Sept. 26, 1918 | Andrew C. Jensen & Co., Supplies...                                      | 16.05  |
| Sept. 26, 1918 | Mt. States Tel & Tel Co., Service .....                                  | 9.80   |
| Sept. 26, 1918 | Twin Falls News Pub. Co., Publish-<br>ing notice of hearing .....        | 4.80   |
| Sept. 26, 1918 | Henry Z. Johnson traveling expense                                       | 32.97  |
| Sept. 26, 1918 | Idaho Press Clipping Bureau,<br>Service .....                            | 3.00   |
| Sept. 26, 1918 | Mrs. S. H. Hays, traveling expense                                       | 42.22  |
| Sept. 26, 1918 | Arch Cunningham & Co., Supplies...                                       | 12.85  |
| Sept. 26, 1918 | E. A. Bryan, traveling expense .....                                     | 43.58  |
| Sept. 26, 1918 | Mrs. Frank Kinyon, traveling ex-<br>pense .....                          | 40.97  |
| Oct. 1, 1918   | Joseph Hansen, Salary .....                                              | 200.00 |
| Oct. 1, 1918   | H. A. Lawson, Salary .....                                               | 50.00  |
| Oct. 1, 1918   | Joseph Hansen, traveling expense...                                      | 97.58  |
| Oct. 1, 1918   | R. L. Scutt, Salary .....                                                | 100.00 |
| Oct. 1, 1918   | Anna M. Boswell, Salary .....                                            | 60.00  |
| Oct. 1, 1918   | W. E. Pierce & Co., Rent .....                                           | 35.00  |
| Oct. 1, 1918   | Mabel Bramwell, Salary .....                                             | 80.00  |
| Oct. 1, 1918   | W. E. Pierce & Co., Rent .....                                           | 35.00  |
| Oct. 17, 1918  | Boise Engraving & Colortype Co.<br>Cut .....                             | 2.00   |
| Oct. 17, 1918  | Mt. States Tel & Tel Co., Service .....                                  | 7.10   |
| Oct. 17, 1918  | Hoffgarten Advertising Sign Co.,<br>Sign for window .....                | 1.50   |
| Oct. 17, 1918  | Joseph Hansen, Postage .....                                             | 100.00 |
| Oct. 17, 1918  | Capital News Pub. Co., Paper, en-<br>velopes, etc. ....                  | 149.75 |
| Oct. 17, 1918  | Andrew C. Jensen & Co., Supplies ...                                     | 17.45  |
| Oct. 17, 1918  | Ashley Sign Co., Sign for Fair .....                                     | 12.30  |
| Oct. 17, 1918  | Peasley Transfer Co., Drayage, Fair<br>exhibit .....                     | 5.90   |
| Oct. 17, 1918  | Mrs. Lizzie B. Dickie, Cash expense,<br>child Welfare work at Fair ..... | 5.80   |

|               |                                                           |        |
|---------------|-----------------------------------------------------------|--------|
| Oct. 17, 1918 | R. L. Scutt, Petty cash, exhibit at Fair, etc. ....       | 15.50  |
| Oct. 17, 1918 | B. Tate, Typewriter Table .....                           | 4.50   |
| Oct. 17, 1918 | Arch Cunningham & Co., Supplies...                        | 16.75  |
| Oct. 17, 1918 | A. G. Kennard, Paper, envelopes, ptg. ....                | 103.90 |
| Oct. 17, 1918 | Frank Montgomery, Cabinet, office...                      | 3.75   |
| Oct. 17, 1918 | J. T. Pence, traveling expense .....                      | 29.44  |
| Oct. 17, 1918 | Western Union Tel. Co., Service .....                     | 56.39  |
| Nov. 1, 1918  | Joseph Hansen, Postage .....                              | 125.00 |
| Nov. 1, 1918  | Joseph Hansen, Salary .....                               | 200.00 |
| Nov. 1, 1918  | R. L. Scutt, Salary .....                                 | 100.00 |
| Nov. 1, 1918  | H. A. Lawson, Salary .....                                | 50.00  |
| Nov. 1, 1918  | Mabel Bramwell, Salary .....                              | 80.00  |
| Nov. 1, 1918  | Anna M. Boswell, Salary .....                             | 60.00  |
| Nov. 20, 1918 | Robert T. Blair, traveling expense Liberty Choruses ..... | 199.45 |
| Nov. 20, 1918 | H. & Ribbon & Carbon Co., Carbon & Ribbon .....           | 6.00   |
| Nov. 20, 1918 | R. L. Scutt, Salary, increase 3 mos. ....                 | 75.00  |
| Nov. 20, 1918 | Capital News Pub. Co., Supplies .....                     | 192.00 |
| Nov. 20, 1918 | Western Union Tel. Co., Service .....                     | 87.39  |
| Nov. 20, 1918 | Mt. States Tel. & Tel. Co., Service .....                 | 8.70   |
| Nov. 20, 1918 | Ashley Sign Co., Signs .....                              | 1.25   |
| Nov. 20, 1918 | A. G. Kennard, Supplies .....                             | 23.50  |
| Nov. 20, 1918 | Joseph Hansen, Postage .....                              | 125.00 |
| Nov. 20, 1918 | A. C. Jensen & Co., Supplies .....                        | 24.00  |
| Nov. 20, 1918 | R. L. Scutt, Petty Cash .....                             | 2.15   |
| Dec. 3, 1918  | Joseph Hansen, Salary .....                               | 200.00 |
| Dec. 3, 1918  | R. L. Scutt, Salary .....                                 | 125.00 |
| Dec. 3, 1918  | Mabel Bramwell, Salary .....                              | 80.00  |
| Dec. 3, 1918  | Anna M. Boswell, Salary .....                             | 65.00  |
| Dec. 3, 1918  | H. A. Lawson, Salary .....                                | 50.00  |
| Dec. 3, 1918  | J. T. Pence, traveling expense .....                      | 52.00  |
| Dec. 3, 1918  | W. E. Pierce & Co., Rent, 2 months .....                  | 70.00  |
| Dec. 23, 1918 | Mt. States Tel. & Tel. Co., Service ...                   | 6.39   |
| Dec. 23, 1918 | R. L. Scutt, Petty Cash .....                             | 7.45   |
| Dec. 23, 1918 | Judge Alfred Budge, traveling expense .....               | 45.90  |
| Dec. 23, 1918 | Joseph Hansen, traveling expense .....                    | 26.67  |
| Dec. 23, 1918 | ANDREW C. JENSEN & Co., Supplies ...                      | 36.55  |
| Dec. 23, 1918 | Times Printing & Publishing Co., Publishing notice .....  | 4.80   |
| Dec. 23, 1918 | Capital News Publishing Co., Paper, envelopes, etc. ....  | 104.50 |
| Dec. 23, 1918 | Western Union Tel. Co., Service .....                     | 39.23  |
| Dec. 23, 1918 | Joseph Hansen, Salary .....                               | 200.00 |



## IDAHO SESSION LAWS

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|               |                                                                 |                    |
|---------------|-----------------------------------------------------------------|--------------------|
| Dec. 23, 1918 | R. L. Scutt, Salary .....                                       | 62.50              |
| Dec. 23, 1918 | Mabel Bramwell, Salary .....                                    | 80.00              |
| Dec. 23, 1918 | Anna M. Boswell, Salary .....                                   | 65.00              |
| Dec. 23, 1918 | Mrs. S. H. Hays, traveling expense..                            | 4.00               |
| Dec. 23, 1918 | Harry Lawson, Salary .....                                      | 50.00              |
| Dec. 23, 1918 | Joseph Hanson, Postage .....                                    | 50.00              |
| Jan. 4, 1919  | Robert H. Elder, Prosecuting I. W.<br>W., Benewah County .....  | 1,500.00           |
| Aug. 12, 1918 | Idaho Stationery & Printing Com-<br>pany, Office Supplies ..... | 6.35               |
|               |                                                                 | <u>\$21,425.77</u> |
|               | Interest to March 1, 1919 .....                                 | 1,291.32           |
|               |                                                                 | <u>\$22,717.09</u> |

|               |                                                    |               |
|---------------|----------------------------------------------------|---------------|
| Jan. 11, 1919 | O. O. Haga, Telegrams .....                        | 21.66         |
| Jan. 13, 1919 | Mountain States Tel. & Tel. Co. Ser-<br>vice ..... | 7.90          |
| Jan. 13, 1919 | Robert T. Blair, Stenographic work .....           | 9.50          |
| Jan. 13, 1919 | W. E. Pierce & Co., Rent .....                     | 35.00         |
| Jan. 13, 1919 | Capital News Publishing Co. badges .....           | 13.25         |
| Jan. 13, 1919 | J. T. Pence, Supplies .....                        | 12.25         |
| Jan. 13, 1919 | Western Union Tel. Co., Services .....             | 11.40         |
|               |                                                    | <u>110.96</u> |

Total for State Council of Defense \$22,828.05

## ADJUTANT GENERAL.

| DATE.            | CLAIMANT.                                          | AMOUNT. |
|------------------|----------------------------------------------------|---------|
| Aug. 12, 1918    | Treasurer of the U. S.                             | 469.92  |
| July 6, 1914     | Spokane, Portland, and<br>Seattle Railway Co. .... | 400.00  |
| <i>Claim No.</i> |                                                    |         |
| 2712             | St. Maries Hospital .....                          | 75.00   |
| 2713             | J. T. Moran .....                                  | 7.50    |
| 2714.            | Washington Water<br>Power Co.- .....               | 6.30    |
| 2716.            | Washington Water<br>Power Co. ....                 | 3.75    |
| 2717.            | Dr. D. E. Cornwall .....                           | 21.50   |
| 2718             | B. C. Sly .....                                    | 130.00  |
| 2719             | A. D. Platt .....                                  | 20.00   |
| 2721             | C. W. Leaf .....                                   | 66.00   |
| 2852             | O. W. Hailey .....                                 | 7.60    |

Total for Adjutant  
General's Department 1,283.57

*SERVING REQUISITIONS.**Claim No.*

2727 Twin Falls County ..... 208.18

*Date.*

July 8, 1918 Charles Summerfield ... 28.89

Total for Serving Re-  
quisitions .....

237.07

*DISTRICT COURTS.*

Dec. 31, 1913 A. W. Deavitt ..... 313.15

Feb, 19, 1919 C. L. Bowen ..... 42.00

Total for District  
Courts .....

355.15

*LAND DEPARTMENT.*

To be used by the Land Board in settlement under certificates of sale issued on state lands which the state by contract had included in the Oneida Irrigation District in Franklin County, and which contract the State of Idaho, through its Board of Land Commissioners, failed and refused to perform .....

\$ 2,556.25

To be used by the Land Board in the settlement of claims against the State, which arise in the nature of refunds on leases of State lands .....

650.36

*LAVA HOT SPRINGS.**Claim No.**Claimant.**Amount.*

2722 D. W. Arave ..... 671.60

2723 Peoples Store ..... 565.23

2724 C. B. Onderdonk ..... 200.00

Total for Lava Hot  
Springs .....

1,436.83

*TIMBER FIRE PROTECTION.**Date.*Jan. 23, 1919 Pend D'Oreille Timber  
Protective Ass'n ..... 17,175.25Jan. 23, 1919 Coeur d'Alene Timber  
Protective Ass'n ..... 6,255.64



|               |                                          |           |
|---------------|------------------------------------------|-----------|
| Jan. 23, 1919 | Potlatch Timber Protective Ass'n .....   | 3,865.93  |
| Jan. 23, 1919 | Clearwater Timber Protective Ass'n ..... | 17,526.35 |
| <hr/>         |                                          |           |
|               | Total for Timber Fire Protection .....   | 44,823.17 |

*MISCELLANEOUS.*

|               |                                      |          |
|---------------|--------------------------------------|----------|
| Dec. 20, 1918 | J. M. Bistline .....                 | 133.40   |
| May 10, 1918  | Idaho Irrigation Co. ....            | 3,567.48 |
| Jan. 20, 1919 | Boise-Payette Lumber Co. . ....      | 50.00    |
| <hr/>         |                                      |          |
|               | Total for Miscellaneous Claims ..... | 3,750.83 |

Grand Total for Land Department \$53,217.49

*MISCELLANEOUS.*

|               |                                      |          |
|---------------|--------------------------------------|----------|
| Feb. 8, 1913  | Idaho Stationery & Printing Co. .... | 92.60    |
| Mar. 28, 1918 | B. P. Shawhan .....                  | 300.00   |
| Nov. 27, 1916 | Geo. D. Barnard .....                | 253.85   |
| Dec. 31, 1918 | B. W. Oppenheim .....                | 1,062.65 |
| <hr/>         |                                      |          |
|               | Total Miscellaneous .....            | 1,709.10 |

GRAND TOTAL ..... \$145,848.83

SEC. 2. The State Auditor is hereby authorized and required, and it is hereby made his duty, upon presentation of proper vouchers required by law, to draw his warrant in favor of the person or persons named in Section 1, the date or claim number and name of which is heretofore stated, for the amount set opposite said date or claim number and name.

SEC. 3. Whereas an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 17, 1919.

**CHAPTER 88.**

(H. B. No. 39.)

**AN ACT**

FOR THE RELIEF OF THE PHOENIX LUMBER COMPANY FOR BUILDING MATERIALS FURNISHED BY SAID PHOENIX LUMBER COMPANY, TO BE USED IN, AND WHICH WERE USED IN THE CONSTRUCTION OF THE AGRICULTURAL BUILDING OF THE UNIVERSITY OF IDAHO DURING THE YEARS 1906 AND 1907, APPROPRIATING THEREFOR THE SUM OF TWENTY THREE HUNDRED AND FORTY FOUR DOLLARS AND EIGHTY CENTS (\$2344.80), AND PROVIDING FOR THE PAYMENT THEREOF; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the sum of Twenty-three Hundred and forty four dollars and eighty cents (\$2344.80) be and the same is hereby, appropriated out of the moneys of the State Treasury, not otherwise appropriated, for the payment to and reimbursement of said Phoenix Lumber Company for building materials furnished to the State of Idaho, to be used for and which were actually used in the construction of the agriculture building of the university of Idaho during the years 1906 and 1907, which said building materials were furnished at a price determined by proposal bid.

SEC. 2. That the State Auditor be, and the same is, hereby directed and required to draw his warrants on the State Treasury for the sum of Twenty three hundred and forty-four dollars and eighty cents (\$2344.80) in favor of the Phoenix Lumber Company; Provided, However, that before receiving the said warrant for said sum of twenty three hundred and forty-four dollars and eighty cents, (\$2344.80) the said Phoenix Lumber Company shall file its receipt in full payment of such claim and every part thereof; and in full payment of all claims whatsoever of the said Phoenix Lumber company against the State of Idaho, or of any person whose interest is represented by it, according to the statements, affidavits, proposal bid and contract heretofore filed with the committee on appropriations of the House of Representatives; and upon the passage and approval of this act, said affidavits, proposals and contracts shall be transmitted to the State Auditor and shall be filed with him as evidence of the items and claims covered by this appropriation. And the said treasurer is hereby authorized and di-



rected to pay said warrant out of any moneys in the State Treasury, not otherwise appropriated.

SEC. 3. An emergency existing therefor, this Act shall take effect from and after its passage.

Approved March 18, 1919.

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## CHAPTER 89.

(H. B. No. 110.)

### AN ACT

APPROPRIATING THE SUM OF *FIFTEEN THOUSAND DOLLARS* (\$15,000.00) FOR THE RELIEF OF A. S. WHITEWAY, AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the sum of *Fifteen Thousand Dollars* (\$15,000.00) is hereby appropriated for the relief of A. S. Whiteway as balance due from the State of Idaho to A. S. Whiteway, for the construction of the Warrons Big Creek Wagon Road.

SEC. 2. The State Auditor is hereby authorized and directed to draw warrants upon the general fund in favor of A. S. Whiteway for the sum named in Section 1 of this Act.

SEC. 3. An emergency existing therefor, this Act shall take effect from and after its passage.

Approved March 18, 1919.

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## CHAPTER 90.

(H. B. No. 182.)

### AN ACT

FOR THE RELIEF OF W. A. LAUDER, OF MOSCOW, IDAHO, FOR BUILDING MATERIALS FURNISHED BY SAID W. A. LAUDER, TO BE USED IN, AND WHICH WERE USED IN THE CONSTRUCTION OF THE AGRICULTURAL BUILDING OF THE UNIVERSITY OF IDAHO; APPROPRIATING THEREFOR THE SUM OF TWO THOUSAND ONE HUNDRED AND FIFTY-SEVEN AND FIFTY-FIVE HUNDREDTHS (\$2,157.55) DOLLARS, AND PROVIDING FOR THE PAYMENT THEREOF; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby appropriated for the relief of W. A. Lauder, of Moscow, Idaho, out of the general fund of the Treasury of the State of Idaho, not otherwise appropriated, the sum of Two Thousand One Hundred and Fifty-Seven and Fifty-Five hundredths (\$2,157.55) Dollars, on account of material furnished in the erection and completion of the Agricultural College Building, at Moscow, Idaho, accruing to the direct benefit of said institution and the State of Idaho; Provided, That the payment of said sum be conditioned upon the acceptance by the said W. A. Lauder, in full payment of his claim against the State of Idaho.

SEC. 2. That the State Auditor of the State of Idaho is hereby authorized, empowered and commanded to draw a warrant upon the General Fund in the State Treasury of the State of Idaho, not otherwise appropriated, in favor of the said W. A. Lauder, of Moscow, Idaho, for the sum of Two Thousand One Hundred and Fifty-Seven and Fifty-Five Hundredths (\$2,157.55) Dollars, as provided in Section One of this Act, and deliver said warrant to the said W. A. Lauder, or order, and the State Treasurer of the State of Idaho, is hereby authorized, empowered and commanded to pay such warrant.

SEC. 3. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1919.

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## CHAPTER 91.

(H. B. No. 183.)

### AN ACT

FOR THE RELIEF OF THE STANDARD LUMBER COMPANY, OF MOSCOW, IDAHO, FOR BUILDING MATERIALS FURNISHED BY SAID STANDARD LUMBER COMPANY, TO BE USED IN, AND WHICH WERE USED IN THE CONSTRUCTION OF THE AGRICULTURAL BUILDING OF THE UNIVERSITY OF IDAHO; APPROPRIATING THEREFOR THE SUM OF THREE THOUSAND TWO HUNDRED AND FORTY-NINE AND NINETY-FIVE HUNDREDTHS (\$3,249.95) DOLLARS; AND PROVIDING FOR THE PAYMENT THEREOF; AND DECLARING AN EMERGENCY.



*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby appropriated for the relief of the Standard Lumber Company, of Moscow, out of the general fund of the Treasury of the State of Idaho, not otherwise appropriated, the sum of Three Thousand Two Hundred and Forty-Nine and Ninety-Five Hundredths (\$3,249.95) Dollars; on account of material furnished in the erection and completion of the Agricultural College Building, at Moscow, Idaho, accruing to the direct benefit of said institution and the State of Idaho; Provided, That the payment of said sum be conditioned upon the acceptance by the Standard Lumber Company, of Moscow, Idaho, in full payment of its claim against the State of Idaho.

SEC. 2. That the State Auditor of the State of Idaho, is hereby authorized and empowered and commanded to draw a warrant upon the general fund in the State Treasury of Idaho, not otherwise appropriated, in favor of the said Standard Lumber Company, of Moscow, Idaho, for the sum of Three Thousand Two Hundred and Forty-nine and Ninety-five hundredths (\$3,249.95) Dollars, as provided in Section One of this Act, and deliver said warrant to the Treasurer of said corporation, and the state Treasurer of the State of Idaho, is hereby authorized, empowered, and commanded to pay such warrant.

SEC. 3. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1919.

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## CHAPTER 92.

(H. B. No. 184.)

### AN ACT

FOR THE RELIEF OF THE MOSCOW HARDWARE COMPANY, LIMITED, OF MOSCOW, IDAHO, FOR BUILDING MATERIALS FURNISHED BY SAID MOSCOW HARDWARE COMPANY, TO BE USED IN, AND WHICH WERE USED IN THE CONSTRUCTION OF THE AGRICULTURAL BUILDING OF THE UNIVERSITY OF IDAHO: APPROPRIATING THEREFOR THE SUM OF ONE THOUSAND ONE HUNDRED AND SEVENTY-FOUR AND SEVENTY-SEVEN HUNDRETHS (\$1,174.77) DOLLARS, AND PROVIDING FOR THE PAYMENT THEREOF; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby appropriated for the relief of the Moscow Hardware Company, Limited, of Moscow, Idaho, out of the general fund of the Treasury of the State of Idaho, not otherwise appropriated, the sum of one thousand one hundred and seventy-four and seventy-seven hundredths (\$1,174.77) Dollars, on account of material furnished in the erection and completion of the Agricultural College Building, at Moscow, Idaho, accruing to the direct benefit of said Institution and the State of Idaho; Provided, That the payment of said sum be conditioned upon the acceptance by the Moscow Hardware Company, Limited, of Moscow, Idaho, in full payment of its claim against the State of Idaho.

SEC. 2. That the State Auditor of the State of Idaho, is hereby authorized, empowered and commanded to draw a warrant upon the general fund in the State Treasury of the State of Idaho, not otherwise appropriated, in favor of the Moscow Hardware Company, Limited, of Moscow, Idaho, for the sum of one thousand one hundred and seventy-four and seventy-seven hundredths (\$1,174.77) Dollars, as provided in Section One of this Act, and deliver said warrant to the Treasurer of said corporation, and the State Treasurer of the State of Idaho is hereby authorized, empowered, and commanded to pay such warrant.

SEC. 3. Whereas an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1919.

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## CHAPTER 93.

(H. B. No. 278.)

### AN ACT

MAKING APPROPRIATIONS FOR THE PAYMENT OF SALARIES AND TRAVELING EXPENSES OF OFFICERS, DEPUTIES AND EMPLOYEES OF THE EXECUTIVE AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT; MAKING AN APPROPRIATION FOR GENERAL OFFICE AND OTHER EXPENSES OF STATE DEPARTMENTS, OFFICES AND INSTITUTIONS, AND FOR THE GENERAL MAINTENANCE THEREOF, FOR THE PERIOD COMMENCING ON THE FIRST MONDAY OF JANUARY, 1919, AND ENDING ON THE FIRST MONDAY OF JANUARY, 1921,



EXCEPT AS OTHERWISE INDICATED; MAKING AN APPROPRIATION OF CERTAIN SPECIFIC SUMS FOR THE RELIEF OF CERTAIN PERSONS NAMED HEREIN, AND FOR OTHER SPECIFIED PURPOSES; PRESCRIBING THE CONDITIONS UNDER WHICH THE APPROPRIATIONS HEREIN MADE SHALL BE EXPENDED; AND DECLARING AN EMERGENCY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sums hereinafter specifically set out for the purposes named and for no other, for the support and maintenance of the several departments of State government, and for other purposes, for the period commencing on the first Monday of January, 1919, and ending on the first Monday of January, 1921, except as herein otherwise indicated. The sums herein appropriated shall be paid out by the State Treasurer upon warrants drawn by the State Auditor against the general fund of the state. The amounts specifically appropriated for state purposes by this Act constitute the whole amount appropriated and to be used by the department, institution, or office, in question, for any purpose during the period for which the appropriation is made.

### EXECUTIVE DEPARTMENT.

#### GOVERNOR'S OFFICE.

|                                                                   |                     |
|-------------------------------------------------------------------|---------------------|
| Governor's Salary .....                                           | \$ 10,000.00        |
| Secretary's Salary .....                                          | 5,000.00            |
| Stenographer and Clerk hire .....                                 | 6,000.00            |
| Stationery, postage, Supplies and General Office<br>expense ..... | 4,400.00            |
| For Expense of the Governor's Conference .....                    | 450.00              |
| Clear Listing Land .....                                          | 500.00              |
| Traveling Expense of Governor .....                               | 1,500.00            |
| Contingent .....                                                  | 2,000.00            |
| <b>TOTAL</b> .....                                                | <b>\$ 29,850.00</b> |

#### SECRETARY OF STATE.

|                                                   |             |
|---------------------------------------------------|-------------|
| Salary of Secretary of State .....                | \$ 6,000.00 |
| Traveling Expense of Secretary of State .....     | 500.00      |
| Salary of Chief Clerk .....                       | 5,000.00    |
| Stenographer and Clerk hire .....                 | 12,840.00   |
| Printing Laws (Corporation, Road, Election) ..... | 1,500.00    |
| Printing Session Laws .....                       | 2,500.00    |

|                                                                                                                                                                                      |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Printing Biennial Report .....                                                                                                                                                       | 350.00              |
| Printing House and Senate Journals .....                                                                                                                                             | 2,000.00            |
| For furnishing of a bound set of the Compiled<br>Statutes of Idaho to each member of the<br>House of Representatives and Senate of the<br>Fifteenth Session of the Legislature ..... | 1,500.00            |
| Expense Board of Canvassers .....                                                                                                                                                    | 200.00              |
| Supplies, Equipment and general office expense .....                                                                                                                                 | 5,900.00            |
| <b>TOTAL</b> .....                                                                                                                                                                   | <b>\$ 38,290.00</b> |

## STATE AUDITOR.

|                                                                         |                     |
|-------------------------------------------------------------------------|---------------------|
| Salary of State Auditor .....                                           | \$ 6,000.00         |
| Salary of Chief Deputy .....                                            | 5,400.00            |
| Clerk Hire .....                                                        | 12,740.00           |
| Stationery, Postage, Office Supplies, Equipment<br>and Contingent ..... | 4,800.00            |
| <b>TOTAL</b> .....                                                      | <b>\$ 28,940.00</b> |

## STATE TREASURER.

|                                 |                     |
|---------------------------------|---------------------|
| Salary of State Treasurer ..... | \$ 8,000.00         |
| Salary of Chief Deputy .....    | 5,400.00            |
| Clerk Hire .....                | 11,800.00           |
| All other office expense .....  | 7,750.00            |
| <b>TOTAL</b> .....              | <b>\$ 32,950.00</b> |

## ATTORNEY GENERAL.

|                                                                               |                     |
|-------------------------------------------------------------------------------|---------------------|
| Salary of Attorney General .....                                              | \$ 8,000.00         |
| Salary of First Assistant .....                                               | 6,000.00            |
| Salary of Second Assistant .....                                              | \$5,000.00          |
| Salary of Third Assistant .....                                               | 4,800.00            |
| Salary of Special Assistant Attorney<br>for Public Utilities Commission ..... | 6,000.00            |
| Salary of two stenographers .....                                             | 5,800.00            |
| Office Expense .....                                                          | 2,100.00            |
| Traveling Expense .....                                                       | 1,000.00            |
| <b>TOTAL</b> .....                                                            | <b>\$ 38,700.00</b> |

## STATE MINE INSPECTOR.

|                                        |             |
|----------------------------------------|-------------|
| Salary of State Mine Inspector .....   | \$ 4,800.00 |
| Salary of Stenographer and Clerk ..... | 2,400.00    |
| Traveling Expense .....                | 2,000.00    |
| Printing, Postage and Supplies .....   | 1,800.00    |



|                    |                     |
|--------------------|---------------------|
| Contingent .....   | 500.00              |
| <b>TOTAL .....</b> | <b>\$ 11,500.00</b> |

*JUDICIAL DEPARTMENT.*

## SUPREME COURT.

|                                                                                           |                     |
|-------------------------------------------------------------------------------------------|---------------------|
| Salaries of Justices .....                                                                | \$ 30,000.00        |
| Salary of Law Clerk for Chief Justice .....                                               | \$4,800.00          |
| Salary Law Clerk for One Associate Justice .....                                          | \$4,800.00          |
| Salary Law Clerk for One Associate Justice .....                                          | \$4,800.00          |
|                                                                                           | \$ 14,400.00        |
| Salary Stenographer for Chief Justice .....                                               | 3,000.00            |
| Salary Stenographer for one Associate Justice .....                                       | 3,000.00            |
| Salary Stenographer for one Associate Justice .....                                       | 3,000.00            |
|                                                                                           | 9,000.00            |
| Clerk of the Supreme Court .....                                                          | 5,000.00            |
| Salary of Deputy at Boise .....                                                           | 2,640.00            |
| Salary of Deputy at Lewiston .....                                                        | 2,160.00            |
| General Expenses .....                                                                    | 10,000.00           |
| Publication Supreme Court Reports .....                                                   | 3,650.00            |
| Salary Librarian at Boise .....                                                           | 2,400.00            |
| Salary Assistant Librarian at Boise .....                                                 | 1,200.00            |
| Maintenance, Law Library at Lewiston .....                                                | 1,400.00            |
| Completion of Rooms in basement of Supreme Court Building, Lewiston, and contingent ..... | 2,000.00            |
| Insurance .....                                                                           | 500.00              |
| <b>TOTAL .....</b>                                                                        | <b>\$ 84,350.00</b> |

## DISTRICT COURTS.

|                                                         |                     |
|---------------------------------------------------------|---------------------|
| Salary of Judges (15) .....                             | \$120,000.00        |
| Salary of Court Reporters (15) .....                    | 75,000.00           |
| Traveling Expense and expense outside of district ..... | \$12,000.00         |
| Traveling Expense of Court Reporters .....              | 8,100.00            |
|                                                         | 20,100.00           |
| <b>TOTAL .....</b>                                      | <b>\$215,100.00</b> |

# *ADMINISTRATIVE BOARDS, OFFICERS, AND COMMISSIONERS.*

## INDUSTRIAL ACCIDENT BOARD.

|                                          |              |
|------------------------------------------|--------------|
| Salary of Commissioners .....            | \$ 18,000.00 |
| Clerical Help .....                      | 13,600.00    |
| Traveling Expense of Commissioners ..... | \$5,000.00   |
| Furniture, Supplies and Postage .....    | 3,400.00     |
| Miscellaneous Expense .....              | 1,000.00     |
|                                          | <hr/>        |
|                                          | \$ 9,400.00  |
| TOTAL .....                              | <hr/>        |
|                                          | \$ 41,000.00 |

## BOARD OF EQUALIZATION.

|                                        |             |
|----------------------------------------|-------------|
| Field Investigation .....              | \$ 5,000.00 |
| Traveling Expense of Examiners .....   | 2,500.00    |
| Stenographer and Clerk Hire .....      | 500.00      |
| Stationery, Postage and Supplies ..... | 750.00      |
|                                        | <hr/>       |
| TOTAL .....                            | \$ 8,750.00 |

## PUBLIC UTILITIES COMMISSION.

|                                                                                       |              |
|---------------------------------------------------------------------------------------|--------------|
| Salary of Commissioners .....                                                         | \$ 21,600.00 |
| Salary of Secretary .....                                                             | 5,040.00     |
| Salary of Engineer .....                                                              | \$7,200.00   |
| Salary of Accountant .....                                                            | 5,160.00     |
| Salary of Reporter .....                                                              | 4,200.00     |
| Salary of Stenographers (3) .....                                                     | 7,200.00     |
| Salary of Filing Clerk .....                                                          | 2,400.00     |
| Salary of Rate Expert .....                                                           | 5,400.00     |
|                                                                                       | <hr/>        |
|                                                                                       | 31,650.00    |
| Supplies and Postage .....                                                            | 5,650.00     |
| Traveling Expense of Commissioners                                                    |              |
| Assistant Attorney General, and                                                       |              |
| Employees .....                                                                       | 6,000.00     |
| Contingent .....                                                                      | 3,600.00     |
|                                                                                       | <hr/>        |
|                                                                                       | 15,250.00    |
| Allowance for securing physical examinations and valuations of public utilities ..... |              |
|                                                                                       | <hr/>        |
|                                                                                       | 45,000.00    |
| TOTAL .....                                                                           | <hr/>        |
|                                                                                       | \$118,450.00 |

## STATE HISTORICAL SOCIETY.

|                                     |             |
|-------------------------------------|-------------|
| Salary of Librarian .....           | \$ 2,400.00 |
| Salary of Assistant Librarian ..... | 2,400.00    |
| Traveling Expense of Trustees ..... | \$ 200.00   |
| Purchase of Books .....             | 300.00      |



|                       |        |          |
|-----------------------|--------|----------|
| Office Supplies ..... | 150.00 |          |
| Printing .....        | 125.00 |          |
|                       |        | 775.00   |
| TOTAL .....           | \$     | 5,575.00 |

## TRAVELING LIBRARY.

|                                     |    |          |
|-------------------------------------|----|----------|
| Salary of Librarian .....           | \$ | 2,640.00 |
| Salary of Assistant Librarian ..... |    | 1,800.00 |
| Books .....                         |    | 2,200.00 |
| Freight and Express .....           |    | 600.00   |
| Office Expense .....                |    | 900.00   |
| TOTAL .....                         | \$ | 8,140.00 |

## ADJUTANT GENERAL.

## ASSISTANT ADJUTANT GENERAL.

## (G. A. R.)

|                                              |    |          |
|----------------------------------------------|----|----------|
| Salary of Assistant Adjutant General .....   | \$ | 1,800.00 |
| Office Expense .....                         |    | 600.00   |
| Expenses in Annual Encampment Meetings ..... |    | 500.00   |
| TOTAL .....                                  | \$ | 2,900.00 |

## LAND DEPARTMENT.

|                                                                  |             |             |
|------------------------------------------------------------------|-------------|-------------|
| Salary of Commissioner .....                                     | \$          | 6,000.00    |
| Salary of Draughtsman .....                                      | \$3,000.00  |             |
| Salary of Timber Cruiser .....                                   | 3,600.00    |             |
| Salary and Expense, timber cruiser<br>for southern Idaho .....   | 2,500.00    |             |
| Salary of three appraisers .....                                 | 7,000.00    |             |
|                                                                  |             | 16,100.00   |
| Traveling Expense of Land Board,<br>Cruiser and appraisers ..... | \$10,000.00 |             |
| Legal fees .....                                                 | 3,000.00    |             |
| Mortgage Foreclosing, and taxes .....                            | 10,000.00   |             |
| Contingent .....                                                 | 5,000.00    | \$37,000.00 |
| Timber Fire Protection, North .....                              | 50,000.00   |             |
| Timber Fire Protection, South .....                              | 6,000.00    |             |
|                                                                  |             | 56,000.00   |
| Salary of Chief Clerk .....                                      | 3,600.00    |             |
| Salary of Two Certificate Clerks .....                           | 7,200.00    |             |
| Salary, bookkeeper .....                                         | 3,000.00    |             |
|                                                                  |             | 13,800.00   |
| TOTAL .....                                                      | \$          | 128,900.00  |

*LAND DEPARTMENT.*

FOR THE CARE OF AND COLLECTION OF THE SECURITIES.

*(Department of Public Investments.)*

|                                                                               |                     |
|-------------------------------------------------------------------------------|---------------------|
| Salary of Assistant Clerks and Stenographer .....                             | 7,100.00            |
| Printing, Stationery, Postage, Supplies, Equip-<br>ment, and Contingent ..... | 8,600.00            |
| <b>TOTAL</b> .....                                                            | <b>\$ 15,700.00</b> |

*LAND DEPARTMENT.*

FOR THE ADMINISTRATION OF THE CAREY ACT.

*(Department of Reclamation.)*

|                                 |                    |
|---------------------------------|--------------------|
| Salary of Register .....        | \$ 5,000.00        |
| Salary of Carey Act Clerk ..... | 2,760.00           |
| Salary of Stenographer .....    | 1,800.00           |
| <b>TOTAL</b> .....              | <b>\$ 9,560.00</b> |

## STATE EXAMINER.

*(Department of Finance.)*

|                                                                              |                     |
|------------------------------------------------------------------------------|---------------------|
| Salary of Deputy Examiner .....                                              | 6,000.00            |
| Salaries of Deputies and Traveling Expense of<br>Examiner and Deputies ..... | \$ 30,000.00        |
| Stationery, Postage and Supplies .....                                       | 1,000.00            |
| <b>TOTAL</b> .....                                                           | <b>\$ 37,000.00</b> |

## CAPITOL BUILDING.

*(Department of Public Works.)*

|                                                                                |                     |
|--------------------------------------------------------------------------------|---------------------|
| Salaries .....                                                                 | \$ 35,000.00        |
| Coal, Power and Light, Supplies, Painting and<br>Tinting, and Contingent ..... | 27,200.00           |
| Repair and Replacement .....                                                   | 7,000.00            |
| <b>TOTAL</b> .....                                                             | <b>\$ 69,200.00</b> |

## INSURANCE COMMISSIONERS.

*(Department of Commerce and Industry.)*

|                                                                      |                     |
|----------------------------------------------------------------------|---------------------|
| Salary of Commissioner .....                                         | \$ 4,800.00         |
| Clerk Hire .....                                                     | 3,400.00            |
| Printing, Office Supplies, Traveling Expense<br>and Contingent ..... | 5,700.00            |
| <b>TOTAL</b> .....                                                   | <b>\$ 13,900.00</b> |



## STATE ENGINEER.

*(Department of Reclamation.)*

|                                                         |                     |
|---------------------------------------------------------|---------------------|
| Salary State Engineer .....                             | \$ 7,200.00         |
| Salary Deputy State Engineer .....                      | 4,800.00            |
| Clerk Hire, Hydrographers and Carey Act Engineers ..... | 33,800.00           |
| Office Supplies, Traveling Expense and Contingent ..... | 14,600.00           |
| <b>TOTAL</b> .....                                      | <b>\$ 60,400.00</b> |

## STATE BANK COMMISSIONER.

*(Department of Commerce and Industry.)*

|                                                                                  |                     |
|----------------------------------------------------------------------------------|---------------------|
| Salary of Bank Commissioner .....                                                | \$ 7,200.00         |
| Salary of Chief Deputy .....                                                     | 5,400.00            |
| Clerk Hire .....                                                                 | 7,400.00            |
| Office Supplies, Furniture and Equipment, Traveling Expense and contingent ..... | 6,545.00            |
| For the enforcement of Chapter 224 C. L., (Blue Sky Law) .....                   | \$ 5,000.00         |
|                                                                                  | <b>\$ 31,545.00</b> |

## BOARD OF HEALTH.

*(Department of Public Welfare.)*

|                                        |                     |
|----------------------------------------|---------------------|
| Salary of Secretary and Register ..... | \$ 5,000.00         |
| Salary of Stenographer .....           | 2,000.00            |
| Office and Traveling Expense .....     | 1,800.00            |
| Contingent .....                       | 1,500.00            |
| <b>TOTAL</b> .....                     | <b>\$ 10,300.00</b> |

## BUREAU OF CHILD WELFARE.

|                              |                    |
|------------------------------|--------------------|
| Salary of Supervisor .....   | \$ 1,800.00        |
| Salary of Stenographer ..... | 1,000.00           |
| Printing .....               | 1,000.00           |
|                              | <b>\$ 3,800.00</b> |

## BACTEROLOGICAL LABORATORY.

|                                       |                    |
|---------------------------------------|--------------------|
| Salary of Bacterologist .....         | \$ 4,800.00        |
| Unskilled Labor .....                 | 1,000.00           |
| Apparatus, freight, and postage ..... | 650.00             |
| Chemical and freight .....            | 200.00             |
| Contingent .....                      | 500.00             |
|                                       | <b>\$ 7,150.00</b> |

## CHEMICAL LABORATORY.

|                                        |             |
|----------------------------------------|-------------|
| Salary State Chemist .....             | \$ 4,000.00 |
| Unskilled Assistant .....              | 1,000.00    |
| Apparatus, chemicals and freight ..... | 500.00      |
| Contingent .....                       | 150.00      |
| Bureau of Vital Statistics .....       | 1,200.00    |
| State Board of Embalmers .....         | 200.00      |
|                                        | <hr/>       |
|                                        | \$ 7,050.00 |

DAIRY, FOOD AND SANITARY INSPECTOR.  
(Department of Public Welfare.)

|                                                    |              |
|----------------------------------------------------|--------------|
| Salary of Inspector .....                          | \$ 4,800.00  |
| Salary of Office Deputy .....                      | 3,000.00     |
| Salary and Expenses Field Deputies .....           | 15,000.00    |
| Traveling Expense of Inspector .....               | 2,000.00     |
| Salary of Stenographer .....                       | 2,400.00     |
| Stationery, Postage, Supplies and Contingent ..... | 2,800.00     |
|                                                    | <hr/>        |
| TOTAL .....                                        | \$ 30,000.00 |

FARM MARKETS BUREAU.  
(Department of Agriculture.)

|                                           |              |
|-------------------------------------------|--------------|
| Salary of Director (three months) .....   | \$ 625.00    |
| Clerk Hire .....                          | 14,600.00    |
| Contingent and other office expense ..... | 14,000.00    |
|                                           | <hr/>        |
| TOTAL .....                               | \$ 29,225.00 |

STATE VETERINARIAN.  
(Department of Agriculture.)

|                                      |              |
|--------------------------------------|--------------|
| Salary of State Veterinarian .....   | \$ 4,800.00  |
| <i>Tubercular Cattle</i> .....       | 25,000.00    |
| Deputy and Clerk Hire .....          | 37,560.00    |
| <i>Deputy Veterinarian</i> .....     | 4,800.00     |
| Maintenance and office Expense ..... | 22,450.00    |
| Serum .....                          | 1,500.00     |
|                                      | <hr/>        |
| TOTAL .....                          | \$ 96,110.00 |

BOARD OF HORTICULTURAL INSPECTION.  
(Department of Agriculture.)

|                                                    |             |
|----------------------------------------------------|-------------|
| Salary of Horticultural Inspector .....            | \$ 4,800.00 |
| Traveling Expense of Inspector .....               | 1,600.00    |
| Salary and Expenses of Deputy Inspectors .....     | 18,500.00   |
| Salary and Expenses of Deputy Bee Inspectors ..... | 4,500.00    |



|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| Salary of Stenographer .....                                  | 2,400.00            |
| Expenses of Board, Office Supplies, and conting-<br>ent ..... | \$ 3,200.00         |
| <b>TOTAL .....</b>                                            | <b>\$ 35,000.00</b> |

## STATE BOARD OF AGRICULTURE.

*(Department of Agriculture.)*

|                                                                                                                                                                                                                    |              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Maintenance, Idaho State Fair and Lewiston<br>Livestock Show, for the year 1919, to be di-<br>vided equally between said shows .....                                                                               | \$ 45,000.00 |
| Maintenance, Idaho State Fair and Lewiston<br>Livestock Show for the year 1920, to be di-<br>vided equally between said shows, provided<br>that no funds are available for the year 1920<br>under a tax levy ..... | 45,000.00    |
| Maintenance, State Poultry & Pet Stock Show .....                                                                                                                                                                  | 1,500.00     |
| Maintenance, State Seed Show .....                                                                                                                                                                                 | 5,000.00     |

*UNDER SENATE BILL NO. 19, FIFTEENTH SESSION  
OF THE LEGISLATURE, APPROVED FEBRUARY  
19, 1919.*

|                                             |             |
|---------------------------------------------|-------------|
| Salary of Commissioner of Agriculture ..... | \$ 6,300.00 |
|---------------------------------------------|-------------|

## DEPARTMENT OF COMMERCE AND INDUSTRY.

Salary of Commissioner: The unexpended bal-  
ance of the salary of the Bank Commissioner.

## DEPARTMENT OF FINANCE.

|                                     |                     |
|-------------------------------------|---------------------|
| Salary of Commissioner .....        | \$ 6,300.00         |
| Bureau of Budget and Taxation ..... | 6,000.00            |
| <b>TOTAL .....</b>                  | <b>\$ 12,300.00</b> |

## DEPARTMENT OF IMMIGRATION, LABOR AND STATISTICS.

|                              |                     |
|------------------------------|---------------------|
| Salary of Commissioner ..... | \$ 6,300.00         |
| Clerk Hire .....             | 3,600.00            |
| Office Expense .....         | 5,000.00            |
| <b>TOTAL .....</b>           | <b>\$ 14,900.00</b> |

## DEPARTMENT OF LAW ENFORCEMENT.

|                                        |                     |
|----------------------------------------|---------------------|
| Salary of Commissioner .....           | \$ 6,300.00         |
| Clerk Hire and all other expense ..... | 43,700.00           |
| <b>TOTAL .....</b>                     | <b>\$ 50,000.00</b> |

## DEPARTMENT OF PUBLIC INVESTMENTS.

Salary of Commissioner.....\$ 6,300.00

## DEPARTMENT OF PUBLIC WELFARE.

Salary of Commissioner: The unexpended balance of the salary of the Dairy, Food and Sanitary Inspector, and .....\$ 2,100.00

## DEPARTMENT OF PUBLIC WORKS.

Salary of Commissioner .....\$ 6,300.00  
Bureau of Supplies—Purchasing Agent ..... 6,300.00  
Salary of Clerks and Supplies ..... 3,700.00

TOTAL .....\$ 16,300.00

## DEPARTMENT OF RECLAMATION.

Salary of Commissioner: The unexpended balance of the salary of the Register of the Land Board, and .....\$ 1,925.00

## SANDPOINT CANTEEN COMMITTEE.

For the relief of the Sandpoint Canteen Committee .....\$ 2,000.00

## ADJUTANT GENERAL.

For the purpose of paying the officers and enlisted men of Companies "A", "B", "C", "D", and "E" of the Home Guard Companies, organized during the year 1917; payments to be made on vouchers properly presented by Captains of the respective Companies, on the basis of 50c. per man per drill for the enlisted men and \$1.00 per drill for the commissioned officers, .....\$ 5,000.00

SEC. 2. That the compensation and salaries for all state officials, deputies and employees appropriated by Section 1 of this Act shall be in full for services to be rendered by such officials, deputies or employees to the state during the period for which such appropriations are made.

SEC. 3. That the State Auditor shall, quarterly, on the first day of January, April, July, and October of each year, render to the head of each state office or department for which an appropriation is made by this Act a statement of the balance or balances in the appropriation or appropriations made for such office or department.



SEC. 4. That the State Auditor is hereby authorized and directed, upon the presentation of the proper vouchers or claims against the state, approved by the State Board of Examiners, as provided by law, to draw his warrant against the proper funds or appropriations for the payment of such vouchers or claims, and it shall be the duty of the State Auditor to classify such vouchers or claims in a book for that purpose in such manner that the amounts to be charged, as shown by such vouchers or claims, to any office or department for which an appropriation is made by this Act, shall be kept separate and apart from the amounts of vouchers or claims of any other office or department of the state government. All such vouchers or claims approved by the State Board of Examiners shall be listed in such book in numerical order and shall be filed according to the number opposite the entry of such voucher or claim in said book.

SEC. 5. That each state officer, deputy or employee and each state board authorized by law to expend any appropriation herein made by this Act shall cause to be made and kept on file in his department, office, or institution, duplicate vouchers of all claims presented to the State Board of Examiners, as well as an itemized account of all expenditures made by him or them or under his or their direction, and report the same in itemized form as to classes of expenditure from time to time as requested by the Department of Finance to such department.

SEC. 6. That no officer, deputy, employee or State Board having the direction or control of the expenditure of any appropriation made by this Act or otherwise made by law shall enter into any contract or agreement or otherwise create any expense or incur any liability, moral, legal, or other, in excess of the appropriation herein made for the specific purposes mentioned unless authority to make such expenditures or to incur such liability has been previously given in writing by the State Board of Examiners of the State of Idaho.

SEC. 7. Whenever an appropriation is made herein to an officer, board, department, or institution, which has been abolished or whose duties in whole or in part have been or will be transferred to another department, the appropriation herein made or the unexpended balance thereof shall be available for the department to which the transfer has been made. In the event that any item herein appropriated must be subdivided in order to effect such transfer, the Board of Examiners is authorized to make the segregation

necessary to carry out the intent of this section. In the case of activities consolidated into one department the appropriation herein made for the administration thereof shall be construed as available for the administration of all activities of the consolidated department and not limited to the administration of a sub-department.

SEC. 8. Whereas, an emergency exists therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1919.

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## CHAPTER 94.

(H. B. No. 282.)

### AN ACT

AUTHORIZING AND DIRECTING THE BORROWING OF THREE MILLION DOLLARS BY THE STATE OF IDAHO, FOR THE PURPOSE OF PAYING OUTSTANDING CLAIMS AND ACCRUING CLAIMS, CHARGES AND APPROPRIATIONS AGAINST THE GENERAL FUND OF THE STATE OF IDAHO, MAKING PROVISIONS AS TO THE TERMS AND CONDITIONS THEREOF, AND DIRECTING THE DISPOSITION OF THE PROCEEDS THEREOF; PROVIDING FOR THE REPAYMENT OF THE SAME AND THE INTEREST THEREON AND CREATING, FOR THE PURPOSE OF SUCH REPAYMENT FROM THE MONEYS ACCRUING FROM TAXES LEVIED FOR GENERAL STATE PURPOSES FOR THE YEARS 1919 AND 1920, A SPECIAL FUND TO BE KNOWN AS THE "TREASURY NOTE REDEMPTION FUND" AND MAKING AN APPROPRIATION FOR SUCH REPAYMENT; AUTHORIZING AND DIRECTING THE ISSUANCE OF A SERIES OF TREASURY NOTES FOR SAID LOAN, FIXING THE FORM THEREOF, MAKING AN APPROPRIATION FOR THE PAYMENT OF ALL EXPENSES INCIDENT TO NEGOTIATION OF SAID LOAN AND THE ISSUANCE OF SAID NOTES; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

It appearing that there are outstanding and unpaid valid claims chargeable against the general fund of the State of Idaho in an amount greatly in excess of the actual cash on hand in said fund available for the payment thereof, and that in addition thereto the current expenses of the State and lawful charges against said fund are constantly accru-



ing in an amount exceeding for the time being and temporarily, the actual cash income of said fund, but that there is out standing in taxes levied, in addition to revenue constantly accruing to said fund from sources other than taxation, an amount in excess of three million dollars, available for the payment of any warrants, claims or charges against the said general fund immediately upon receipt of the same in cash in the treasury of the state, now Therefore,

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That for the purpose of anticipating the revenue to accrue in the general fund of the State of Idaho from taxes levied for the current biennium and thereby advancing the time of payment of the outstanding claims and charges against the said general fund, together with accruing charges, claims and appropriations against said fund, a loan for the use and benefit, and in the name of, the State of Idaho, in the principal sum of Three Million Dollars, lawful money of the United States of America, is hereby authorized and directed, the proceeds of which said loan shall be deposited in the treasury of the State of Idaho in the general fund therein and shall be subject to the appropriations now made or hereafter to be made from or against said general fund and to disposition in like manner as all other moneys accumulating in said fund.

SEC. 2. Said loan shall be negotiated by the issuance and sale of a series of treasury notes of the State of Idaho, all of which, except as to date, interest rate, number and denominations, shall be substantially in the form following; to-wit:

No. \_\_\_\_\_ \$.....

UNITED STATES OF AMERICA  
STATE OF IDAHO.  
TREASURY NOTE.

FOR VALUE RECEIVED, the State of Idaho acknowledges itself to owe, and promises to pay, to bearer, at the office of the Treasurer of the State of Idaho at Boise, Ada County, Idaho, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_ the sum of \$\_\_\_\_\_, in lawful money of the United States of America, together with interest thereon in like money, at the rate of \_\_\_\_\_ per cent. per annum from the date hereof, interest payable semi-annually on surrender of the appropriate interest coupon hereto attached. This note is one of a series aggregating the principal sum and total par value of three million dollars, all of which notes are

identical in all terms, conditions and respect, save and except as to numbers, dates, denominations, interest rate and maturities. All notes of said series are entitled to payment on maturity in order of their presentation at the office of the said State Treasurer, but are otherwise entitled to no priority or preference the one over the other, and all are issued in pursuance of and subject to the terms and provisions of an Act of the Fifteenth Session of the Legislature of the State of Idaho, entitled "An Act Authorizing and Directing the Borrowing of Three Million Dollars by the State of Idaho, for the Purpose of Paying Outstanding Claims and Accruing Claims, Charges and Appropriations against the General Fund of the State of Idaho", etc., approved March \_\_\_\_\_ A. D. 1919.

It is hereby certified, recited and declared that all matters, acts, conditions and things, required by law to make this Treasury Note a valid, outstanding and binding obligation of the State of Idaho, have happened, have been done and have been performed, and the faith and credit of the State of Idaho is solemnly pledged for the payment of the same.

In Witness Whereof, and pursuant to the authority in them, and each of them, vested, and under and by direction of the aforesaid act of the Legislature, the Governor and Treasurer of the said State of Idaho have hereunto affixed their, and each of their, official signatures and the Secretary of State of the said State of Idaho has attested the same by his official signature and the Great Seal of the State of Idaho, at Boise, the capital of the said state, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_\_

Attest:

\_\_\_\_\_  
Governor of the State of Idaho

\_\_\_\_\_  
Secretary of State of the  
State of Idaho.

\_\_\_\_\_  
Treasurer of the State of Idaho.

On the back of each of said notes shall be printed the following:

"This note registered in my office on this \_\_\_\_\_ day  
of \_\_\_\_\_ A. D. 19\_\_\_\_\_

\_\_\_\_\_  
Auditor of the State of Idaho.

Attached to each of said notes shall be two printed, litho-



graphed or engraved interest coupons, numbered One and Two respectively, bearing the lithographed, printed or engraved facsimile signature of the Treasurer of the State of Idaho, which signature shall bind the State, and providing that the State of Idaho will pay to the bearer thereof, on maturity of the coupon, a sum to be expressed in dollars and cents, which sum shall be the amount of interest due on the note to which the coupon is attached at the date of the maturity of the coupon. The coupon numbered One shall mature six months from the date of the issuance of the note to which it is attached and the coupon numbered Two shall mature one year from the issuance of the note to which it is attached.

SEC. 3. All the said treasury notes shall bear date on the day they are actually issued and shall be due and payable one year from such date. All said notes and the interest coupons thereunto attached shall be made payable to the bearer at the office of the State Treasurer of the State of Idaho in Boise, Idaho, on maturity and shall be entitled to payment in the order of their presentation, otherwise without preference or priority one over the other. They shall bear interest at a rate not to exceed Five and one-quarter per cent. per annum, payable semi-annually and each and all of the same shall be issued subject to the terms and conditions set forth in the form of note hereinbefore set out and to such other and further terms and conditions as are in this act specified and as the State Board of Examiners shall specify under the authority hereinafter vested in them.

SEC. 4. The State Board of Examiners of the State of Idaho are hereby authorized, directed and empowered at any time after the passage and approval of this act, and prior to the close of the fiscal year 1920, in their discretion, by resolution to be entered of record in the minutes of their proceedings, by a majority vote, to order the sale of such amounts of said notes as they deem best, in denominations to suit the purchaser, and at the lowest interest rate obtainable, on sealed bids as hereinafter provided, but in no case exceeding five and one-fourth per cent. per annum, payable semi-annually, Provided, however, that the said Board shall not order or permit to be sold during the year 1919 an amount of notes exceeding in their total par value plus interest to date of maturity, the total tax levy in said year for general state purposes, and payable into the state treasury in the year 1920, and, further, that during the year 1920, the said Board shall not order to be sold, nor permit to be sold an amount of said notes exceeding in total par

value plus interest to date of maturity, the amount of taxes levied in the year 1920 for general state purposes, payable into the state treasury in the year 1921. Immediately upon the passage and adoption by the Board of any order or resolution directing the sale of said notes or any portion thereof, a certified copy of the resolution or order shall be delivered to the Treasurer of the State of Idaho and like certified copy delivered to the State Auditor of the State of Idaho, and immediately upon receipt of such copy, the State Treasurer shall publish for ten days in two daily newspapers of general circulation, published in the State of Idaho, a notice to be signed by him specifying the notes to be sold and the amount thereof, that the denominations will be made to such purchasers, that the interest rate cannot exceed five and one-quarter percent per annum, payable semi-annually, and asking that sealed bids therefor, specifying, in addition to the price offered, the rate of interest at which the bidder will purchase the said notes and likewise the denominations desired, to be submitted to the said Treasurer at or prior to a day and hour to be specified in the notice, which time shall not be less than ten days from the first publication of the notice. The notice shall also require that each bid be accompanied by certified check in amount to be fixed by the Treasurer as guaranty that the bidder will accept the notes in accordance with the terms of his bid, if it be accepted, and further, that all bids shall be subject to rejection. At the expiration of the time specified in the notice for receipt of bids, all said bids shall be opened by the treasurer and the notes sold to the highest and best bidder; Provided, always, that no notes shall be sold on any other terms than that of cash and none for less than the par value thereof and accrued interest, if any. Immediately upon the completion of any sale, the State Treasurer shall make a verified return of said sale to the State Auditor, specifying the number of bids received, the maker of each, the amount, interest rate, terms and conditions specified in each, and showing further the person to whom said notes were sold and the price, terms and conditions of the sale.

SEC. 5. Immediately after the sale of all or any installment of the said notes, the Treasurer of the State of Idaho is hereby authorized, directed and empowered to cause to be prepared a series of printed, lithographed or engraved Treasury Notes of the State of Idaho in the form hereinbefore set forth, dated as of the day the same are to be issued, numbered consecutively, -if it be the first instalment, from One upward, and in the case of subsequent instalments, numbered consecutively from the highest number of the last



previous instalment,-in the denominations and bearing the rate of interest specified in the accepted bid and with interest coupons thereto attached as hereinbefore described, specifying the amount of interest and the date of maturity in words and figures. Immediately after the preparation of said notes, the same shall be subscribed by the Governor of the State of Idaho in his official capacity and attested by the Secretary of State by his official signature and the Great Seal of the State of Idaho, and immediately thereafter the same shall be delivered to the Auditor of the State of Idaho, who shall register each of the same in a book to be kept by him for that purpose, setting forth the date and number of the note, its maturity, its denomination, the interest rate and name of purchaser, the date of its delivery to the Treasurer, and he shall endorse upon it and each of said notes, over his official signature, a statement that the same is registered in his office, giving the date thereof. Immediately after the registration of said notes by the Auditor, he shall deliver the same to the State Treasurer and charge the amount of the purchase price thereof to the said Treasurer as money received by the treasurer in the general fund of the State of Idaho. Said treasurer shall immediately upon receipt of the said notes register each of them in a book to be kept by him for that purpose, setting forth the same matters required in the Auditor's register and in addition, the day of delivery to purchaser, and shall subscribe each of said notes in his official capacity as such treasurer and upon receipt of the full purchase price of the said notes, together with accumulated interest thereon, if there be any, all in cash, lawful money of the United States of America, shall deliver the said notes and each of them to the successful bidder therefor and credit the amount received therefor to the general fund of the State of Idaho; Provided, however, that if for any reason said notes be not delivered to the purchasers thereof and the purchase price thereof not received after the purchase price has been charged by the State Auditor to the State Treasurer, said notes may be returned by the said treasurer to the said auditor, who shall thereupon credit the State Treasurer with the amount charged against him for the same and said notes shall be cancelled and destroyed under the supervision of and in such manner as the said Board of Examiners shall, by appropriate resolution, direct.

SEC. 6. For the purpose of paying the first semi-annual instalment of interest coming due prior to the beginning of the fiscal year 1920, if any, there is hereby appropriated from the general fund for the said purpose, a sum equivalent to the amount of such interest payment, and the State

Treasurer is directed to pay the coupons representing such interest upon maturity from the said general fund. For the purpose of paying said Treasury Notes, as the same become due and of paying interest thereon maturing after the close of the fiscal year 1919, there is hereby created in the treasury of the State of Idaho, a special fund to be known as the "Treasury Note Redemption Fund". So much of the moneys accruing in the treasury of the State of Idaho in the year 1920, from taxes levied for general state purposes in and for the year 1919 as will equal the amount of treasury notes and interest coupons issued and outstanding, and to become due during the year 1920, and so much of the moneys accruing into the Treasury of the State of Idaho in the year 1921 from taxes levied for general state purposes for the year 1920 as will equal the amount of treasury notes and interest coupons issued and outstanding, and to become due in the year 1921, are hereby appropriated to, set apart to, and shall be paid into and transferred to, said "Treasury Note Redemption Fund" and the said "Treasury Note Redemption Fund" and all moneys accruing or to accrue therein are hereby appropriated exclusively to and for the payment of such treasury notes and the interest thereon. The appropriation and transfer of said moneys arising from said tax levies for the years 1919 and 1920, as hereinbefore provided, is, and shall be, a claim and charge on, and appropriation of the same prior and superior to any other charge, claim or appropriation whatsoever, and until funds sufficient to pay and discharge all treasury notes and coupons maturing during any fiscal year have been diverted from said tax moneys accruing in said year, to the Treasury Note Redemption Fund, no payment, transfer or disposition of any kind or character shall be made of or from moneys arising from said tax levies.

SEC. 7. The Treasurer of the State of Idaho is hereby authorized, directed and empowered upon maturity of any of the said coupons belonging to said series of notes maturing after the close of the fiscal year 1919, to pay to the bearer thereof on presentation and surrender of the same at his office, the amount thereof, and upon maturity of the said notes and each of them, said treasurer is authorized, directed and empowered to pay the principal sum thereof to the bearer upon presentation and surrender of the same at his office, all of which payments of notes and coupons shall be made in the order of presentation and all of which, with the exception of instalments of interest falling due during the year 1919 and hereinbefore provided for, shall be paid from the "Treasury Note Redemption Fund", and upon the sur-



render of any coupons or notes, the treasurer shall cancel and mark the same paid, by some appropriate means.

SEC. 8. That for the purpose of paying the expense of making said loan and the preparation and sale of said notes and the registration of the same, and all other incidental expenses in connection with said loan, and the repayment thereof, there is hereby appropriated from any moneys in the general fund of the State of Idaho, not otherwise appropriated, the sum of One Thousand Dollars, or as much thereof as may be necessary.

SEC. 9. All acts and parts of acts in conflict with this act, or any part thereof, are hereby repealed.

SEC. 10. An emergency existing therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1919.

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## CHAPTER 95.

(H. B. No. 283.)

### AN ACT

AUTHORIZING AND DIRECTING THE BORROWING OF ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS BY THE STATE OF IDAHO, FOR THE PURPOSE OF PAYING OUTSTANDING CLAIMS AND ACCRUING CLAIMS, CHARGES AND APPROPRIATIONS AGAINST THE STATE HIGHWAY FUND OF THE STATE OF IDAHO, MAKING PROVISIONS AS TO THE TERMS AND CONDITIONS THEREOF, AND DIRECTING THE DISPOSITION OF THE PROCEEDS THEREOF; PROVIDING FOR THE REPAYMENT OF THE SAME AND THE INTEREST THEREON AND CREATING, FOR THE PURPOSE OF SUCH REPAYMENT FROM THE MONEYS ACCRUING FROM TAXES LEVIED FOR STATE HIGHWAY PURPOSES FOR THE YEARS 1919 AND 1920, A SPECIAL FUND TO BE KNOWN AS THE "STATE HIGHWAY TREASURY NOTE REDEMPTION FUND" AND MAKING AN APPROPRIATION FOR SUCH REPAYMENT; AUTHORIZING AND DIRECTING THE ISSUANCE OF A SERIES OF TREASURY NOTES FOR SAID LOAN, FIXING THE FORM THEREOF, MAKING AN APPROPRIATION FOR THE PAYMENT OF ALL EXPENSES INCIDENT TO NEGOTIATION OF SAID LOAN AND THE ISSUANCE OF SAID NOTES; REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT HERewith, AND DECLARING AN EMERGENCY.

It appearing that the current expenses of the state highway department and lawful charges against the state highway fund are accruing and about to accrue in an amount exceeding for the time being and temporarily, the actual cash income of said fund, but that there is outstanding in taxes levied, in addition to revenue accruing to said fund from sources other than taxation, an amount in excess of one million eight hundred thousand dollars, available for the payment of any warrants, claims or charges against the said state highway fund immediately upon receipt of the same in cash in the treasury of the state:

Now Therefore,

BE IT ENACTED BY THE LEGISLATURE OF THE  
STATE OF IDAHO:

SECTION 1. That for the purpose of anticipating the revenue to accrue in the state highway fund of the state of Idaho from taxes levied for the current biennium and thereby advancing the time of payment of the outstanding claims and charges against the said fund, together with accruing charges, claims and appropriations against said fund, a loan for the use and benefit, and in the name of, the state of Idaho, in the principal sum of one million eight hundred thousand dollars, lawful money of the United States of America, is hereby authorized and directed, the proceeds of which said loan shall be deposited in the treasury of the state of Idaho in the state highway fund therein and shall be subject to the appropriations now made or hereafter to be made from or against said state highway fund and to disposition in like manner as all other moneys accumulating in said fund.

SEC. 2. Said loan shall be negotiated by the issuance and sale of a series of treasury notes of the State of Idaho, all of which, except as to date, interest rate, number and denomination, shall be substantially in the form following, to wit:

No. \_\_\_\_\_ \$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF IDAHO

TREASURY NOTE (STATE HIGHWAY FUND)

FOR VALUE RECEIVED, The State of Idaho acknowledges itself to owe, and promises to pay, to bearer, at the office of the treasurer of the state of Idaho at Boise, Ada County, Idaho, on the \_\_\_\_\_ day of \_\_\_\_\_



A. D. 19..... the sum of \$....., in lawful money of the United States of America, together with interest thereon in like money, at the rate of ..... per cent per annum from the date hereof, interest payable semiannually on surrender of the appropriate interest coupon hereto attached. This note is one of a series aggregating the principal sum and total par value of one million eight hundred thousand dollars, all of which notes are identical in all terms, conditions and respects, save and except as to numbers, dates, denominations, interest rate and maturities. All notes of said series are entitled to payment on maturity in order of their presentation at the office of the said state treasurer, but are otherwise entitled to no priority or preference the one over the other, and all are issued in pursuance of and subject to the terms and provisions of an act of the fifteenth session of the legislature of the state of Idaho, entitled, "An act authorizing and directing the borrowing of one million eight hundred thousand dollars by the state of Idaho, for the purpose of paying outstanding claims and accruing claims, charges and appropriations against the state highway fund of the state of Idaho." etc., Approved March ....., A. D. 1919.

It is hereby certified, recited and declared that all matters, acts, conditions and things, required by law to make this treasury note a valid, outstanding and binding obligation of the state of Idaho, have happened, have been done and have been performed, and the faith and credit of the state of Idaho is solemnly pledged for the payment of the same.

In Witness Whereof, and pursuant to the authority in them, and each of them, vested, and under and by direction of the aforesaid act of the legislature, the governor and treasurer of the said state of Idaho have hereunto affixed their, and each of their, official signatures and the secretary of state of the said state of Idaho has attested the same by his official signature and the great seal of the state of Idaho, at Boise, the capital of the said state, this ..... day of ..... A. D. 19.....

Attest:

.....  
Governor of the State of Idaho.

.....  
Secretary of State of the State of Idaho.

.....  
Treasurer of the State of Idaho."

On the back of each of said notes shall be printed the following:

"This note registered in my office on this .....day of  
.....A. D. 19....."

AUDITOR OF THE STATE OF IDAHO."

Attached to each of said notes shall be two printed, lithographed or engraved interest coupons, numbered one and two respectively, bearing the lithographed, printed or engraved facsimile signature of the treasurer of the state of Idaho, which signature shall bind the state, and providing that the state of Idaho will pay to the bearer thereof, on maturity of the coupon, a sum to be expressed in dollars and cents, which sum shall be the amount of interest due on the note to which the coupon is attached at the date of maturity of the coupon. The coupon numbered one shall mature six months from the date of the issuance of the note to which it is attached and the coupon numbered two shall mature one year from the issuance of the note to which it is attached.

SEC. 3. All the said treasury notes shall bear date on the day they are actually issued and shall be due and payable one year from such date. All said notes and the interest coupons thereunto attached shall be made payable to the bearer at the office of the state treasurer of the state of Idaho in Boise, Idaho, on maturity and shall be entitled to payment in the order of their presentation, otherwise without preference or priority one over the other. They shall bear interest at a rate not to exceed five and one quarter per cent per annum, payable semiannually, and each and all of the same shall be issued subject to the terms and conditions set forth in the form of note hereinbefore set out and to such other and further terms and conditions as are in this act specified and as the state board of examiners shall specify under the authority hereinafter vested in them.

SEC. 4. The state board of examiners of the state of Idaho are hereby authorized, directed and empowered at any time after the passage and approval of this act, and prior to the close of the fiscal year 1920, in their discretion, by resolution to be entered of record in the minutes of their proceedings, by a majority vote, to order the sale of such amounts of said notes as they deem best, in denominations to suit the purchaser, and at the lowest interest rate obtainable, on sealed bids as hereinafter provided, but in no



case exceeding five and one-fourth per cent per annum, payable semiannually; PROVIDED, however, That the said board shall not order or permit to be sold during any year an amount of notes which with the amount of interest to date of maturity added to the outstanding and unpaid warrants issued under the provisions of section 4 of an act of the fifteenth session of the legislature of the state of Idaho entitled "An act levying a tax of two mills upon the assessed valuation of the state for the fiscal year of 1915 and each succeeding year" etc., approved March ....., 1919, exceed the total tax levy in said year for road purposes under the provisions of that certain act of the legislature last hereinbefore referred to.

Immediately upon the passage and adoption by the board of any order or resolution directing the sale of said notes or any portion thereof, a certified copy of the resolution or order shall be delivered to the treasurer of the state of Idaho and like certified copy delivered to the state auditor of the state of Idaho, and immediately upon receipt of such copy, the state treasurer shall publish for 10 days in two daily newspapers of general circulation, published in the state of Idaho, a notice to be signed by him specifying the notes to be sold and the amount thereof, that the denominations will be made to suit such purchasers; that the interest rate cannot exceed five and one-quarter per cent per annum, payable semiannually, and asking that sealed bids therefor, specifying, in addition to the price offered, the rate of interest at which the bidder will purchase the said notes and likewise the denominations desired, to be submitted to the said treasurer at or prior to a day and hour to be specified in the notice, which time shall not be less than 10 days from the first publication of the notice. The notice shall also require that each bid be accompanied by certified check in amount to be fixed by the treasurer as guaranty that the bidder will accept the notes in accordance with the terms of his bid, if it be accepted, and further, that all bids shall be subject to rejection. At the expiration of the time specified in the notice for receipt of bids, all said bids shall be opened by the treasurer and the notes sold to the highest and best bidder: *Provided, always,* That no notes shall be sold on any other terms than that of cash and none for less than the par value thereof and accrued interest, if any. Immediately upon the completion of any sale, the state treasurer shall make a verified return of said sale to the state auditor, specifying the number of bids received, the maker of each, the amount, interest rate, terms and conditions specified in each, and showing fur-

ther the person to whom said notes were sold and the price, terms and conditions of the sale.

SEC. 5. Immediately after the sale of all or any instalment of the said notes, the treasurer of the state of Idaho is hereby authorized, directed and empowered to cause to be prepared a series of printed, lithographed or engraved treasury notes of the state of Idaho in the form hereinbefore set forth, dated as of the day the same are to be issued, numbered consecutively, if it be the first instalment, from one upward, and in the case of subsequent instalments, numbered consecutively from the highest number of the last previous instalment, in the denominations and bearing the rate of interest specified in the accepted bid and with interest coupons thereto attached as hereinbefore described, specifying the amount of interest and the date of maturity in words and figures. Immediately after the preparation of said notes, the same shall be subscribed by the governor of the state of Idaho in his official capacity and attested by the secretary of state by his official signature and the great seal of the state of Idaho, and immediately thereafter the same shall be delivered to the auditor of the state of Idaho, who shall register each of the same in a book to be kept by him for that purpose, setting forth the date and number of the note, its maturity, its denomination, the interest rate and name of purchaser, the date of its delivery to the treasurer, and he shall endorse upon it and each of said notes, over his official signature, a statement that the same is registered in his office, giving the date thereof. Immediately after the registration of said notes by the auditor, he shall deliver the same to the state treasurer and charge the amount of the purchase price thereof to the said treasurer as money received by the treasurer in the state highway fund of the state of Idaho. Said treasurer shall immediately upon the receipt of the said notes register each of them in a book to be kept by him for that purpose, setting forth the same matters required in the auditor's register and in addition, the day of delivery to purchaser, and shall subscribe each of said notes in his official capacity as such treasurer and upon receipt of the full purchase price of the said notes, together with accumulated interest thereon, if there be any, all in cash, lawful money of the United States of America, shall deliver the said notes and each of them to the successful bidder therefor and credit the amount received therefor to the state highway fund of the state of Idaho; *Provided, however,* That if for any reason said notes be not delivered to the purchasers thereof and the purchase price thereof not



received after the purchase price has been charged by the state auditor to the state treasurer, said notes may be returned by the said treasurer to the said auditor, who shall thereupon credit the state treasurer with the amount charged against him for the same and said notes shall be cancelled and destroyed under the supervision of and in such manner as the said board of examiners shall, by appropriate resolution, direct.

SEC. 6. For the purpose of paying the first semiannual installment of interest coming due prior to the beginning of the fiscal year 1920, if any, there is hereby appropriated from the state highway fund for the said purpose, a sum equivalent to the amount of such interest payment, and the state treasurer is directed to pay the coupons representing such interest upon maturity from the said state highway fund. For the purpose of paying said treasury notes, as the same become due and of paying interest thereon maturing after the close of the fiscal year 1919, there is hereby created in the treasury of the state of Idaho, a special fund to be known as the "State highway treasury note redemption fund." So much of the moneys accruing in the treasury of the state of Idaho in the year 1920, from taxes levied for state highway purposes in and for the year 1919 as will equal the amount of treasury notes and interest coupons issued and outstanding, and to become due during the year 1920, and so much of the moneys accruing into the treasury of the state of Idaho in the year 1921 from taxes levied for state highway purposes for the year 1920 as will equal the amount of treasury notes and interest coupons issued and outstanding, and to become due in the year 1921, are hereby appropriated to, set apart to, and shall be paid into and transferred to, said "State highway treasury note redemption fund," and the said "State highway treasury note redemption fund" and all moneys accruing or to accrue therein are hereby appropriated exclusively to and for the payment of such treasury notes and the interest thereon. The appropriation and transfer of said moneys arising from said tax levies for the years 1919 and 1920, as hereinbefore provided, is, and shall be, a claim and charge on, and appropriation of the same prior and superior to any other charge, claim or appropriation whatsoever, and until funds sufficient to pay and discharge all treasury notes and coupons maturing during any fiscal year have been diverted from said tax moneys accruing in said year, to the "State highway treasury note redemption fund," no payment, transfer or disposition of any kind or

character shall be made of or from moneys arising from said tax levies.

SEC. 7. The treasurer of the state of Idaho is hereby authorized, directed and empowered upon maturity of any of the said coupons belonging to said series of notes maturing after the close of the fiscal year 1919, to pay to the bearer thereof on presentation and surrender of the same at his office, the amount thereof, and upon maturity of the said notes and each of them, said treasurer is authorized, directed and empowered to pay the principal sum thereof to the bearer upon presentation and surrender of the same at his office, all of which payments of notes and coupons shall be made in the order of presentation and all of which, with the exception of instalments of interest falling due during the year 1919 and hereinbefore provided for, shall be paid from the "State highway treasury note redemption fund," and upon the surrender of any coupons or notes, the treasurer shall cancel and mark the same paid, by some appropriate means.

SEC. 8. That for the purpose of paying the expense of making said loan and the preparation and sale of said notes and the registration of the same, and all other incidental expenses in connection with said loan, and the repayment thereof, there is hereby appropriated from any moneys in the state highway fund of the state of Idaho, not otherwise appropriated, the sum of one thousand dollars, or so much thereof as may be necessary.

SEC. 9. All acts and parts of acts in conflict with this act, or any part thereof, are hereby repealed.

SEC. 10. An emergency existing therefor, this act shall take effect and be in force from and after its passage and approval.

Approved March 18, 1919.

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## CHAPTER 96.

(S. B. No. 4.)

### AN ACT

TO PROHIBIT THE USE OR DISPLAY OF THE RED FLAG OR OTHER EMBLEMS OR BANNERS OF DISLOYALTY AND ANARCHY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That whoever in this State shall hoist, carry



or display any red flag or other emblem or banner indicating disloyalty to the Government of the United States or the State of Idaho, or a belief in anarchy, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary for a term not less than one year or more than ten years, and may also be fined in any sum not exceeding one thousand dollars.

Approved February 7, 1919.

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## CHAPTER 97.

(S. B. No. 16.)

### AN ACT

RELATING TO GAMBLING PLACES; DECLARING THE SAME TO BE MORAL NUISANCES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Any building, place, or the ground itself, wherein or whereon gambling or any game of chance *for money, checks, credit or other representatives of value* is carried on or takes place, or gambling paraphernalia is kept, or any notice, sign or device advertising or indicating the existence or presence of such gambling or any game of chance is displayed or exposed to view, is declared a *moral* nuisance and shall be enjoined and abated as \* \* \* provided *by law*.

Approved February 14, 1919.

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## CHAPTER 98.

(S. B. No. 24.)

### AN ACT

TO AMEND SECTION 2314a OF THE COMPILED LAWS OF IDAHO, PROVIDING FOR THE EXCLUSION OF AGRICULTURAL LAND FROM THE CORPORATE LIMITS OF A MUNICIPALITY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 2314a of the Compiled Laws of Idaho in providing for the exclusion of agricultural lands from the corporate limits of a municipality, is hereby amended to read as follows:

"Section 2314a. The owner or adjoining owners of any platted or unplatted tract or tracts of land containing not less than five acres, included within the corporate limits of any municipality in this state and used exclusively for agricultural purposes, except any tract or tracts of land that are situated within one-half mile of any water pipe line, sidewalk or street that has been installed or constructed under the supervision of any such municipality, may petition the district court of the county in which such tract or tracts of land are situated for a judgment and decree of the court detaching such tract or tracts of land from such municipality. *Provided, however, that the foregoing exception shall not apply in cases where the city, town or village is prevented from extending pipe lines for water supply or from making any other municipal improvement to a portion of the land within the city, town or village limits by reason of the same being separated by a river or some other barrier.*"

SEC. 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1919.

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## CHAPTER 99.

(S. B. No. 26.)

### AN ACT

MAKING IT A MISDEMANOR FOR ANY PERSON TO TAKE, WITHOUT THE PERMISSION OF THE OWNER THEREOF, ANY AUTOMOBILE, BICYCLE, MOTORCYCLE OR OTHER VEHICLE FOR THE PURPOSE OF TEMPORARILY USING OR OPERATING THE SAME.

*Be It Enacted by the Legislature of the State of Idaho:*

Any person who shall, without the permission of the owner thereof, take any automobile, bicycle, motorcycle or other vehicle for the purpose of temporarily using or operating the same shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$200.00, or by imprisonment not exceeding three months or by both such fine and imprisonment.

Approved February 13, 1919.



**CHAPTER, 100.**

(S. B. No. 28.)

**AN ACT**

PROVIDING FOR THE CREATION OF A STATE COUNCIL OF DEFENSE; DEFINING ITS POWERS AND DUTIES, AS WELL AS THE DUTIES OF PUBLIC OFFICIALS OF THE STATE AND ITS SUBDIVISIONS IN RELATION TO SUCH COUNCIL; MAKING AN APPROPRIATION FOR EMERGENCY PURPOSES UNDER THE DIRECTION OF SUCH COUNCIL; AUTHORIZING LOCAL GOVERNING BODIES TO FINANCE LOCAL COUNCILS OF DEFENSE AND REPEALING INCONSISTENT LEGISLATION.

WHEREAS, The council of national defense, by formal resolution adopted December 2, 1918, has recommended to the various states

“That the council of defense system, comprised of state, county, community and municipal councils and the state divisions and local units of the woman’s committee of the council of national defense be continued in the national interest for the purpose of co-operating with and supplementing federal agencies in meeting the exigencies and emergencies incident to post war readjustment, and especially for the purpose of bringing about a normal demobilization of soldiers, sailors and war workers to the end that they may most wisely be reabsorbed into peace time pursuits,” and,

WHEREAS, The state council of defense in Idaho, has, by its efficient war work, proved the value of an emergency organization of patriotic citizens, serving without compensation and in the interest of the public welfare, and under the direction of the governor, and

WHEREAS, It appears desirable that the council of defense system be given express legal recognition and be made available, not only in the present emergency incident to post war readjustment, but also at any future time of need, either national or state.

NOW, THEREFORE, BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF IDAHO:

SECTION 1. A state council of defense may be created at any time of great public need in the national or state interest by proclamation of the governor. The governor may when he deems it expedient dissolve the council or cause its activities to be suspended. He may, after any such suspen-

sion or dissolution, reorganize it, should he deem it necessary.

SEC. 2. The council shall consist of not more than 50 members who shall be appointed by and hold office during the pleasure of the governor, and the elective state officers named in the constitution, who shall be members ex-officio. The governor shall make such appointments without reference to party affiliations and the persons appointed shall be representative of the various activities, industries, labor and resources of the state. Women's activities shall be represented as well as men's.

SEC. 3. One of the members of the council shall be designated by the governor as chairman. Other officers shall be elected by the council.

SEC. 4. The members of the council shall serve without pay, but may be allowed necessary traveling expenses incurred in the actual performance of their duties.

SEC. 5. The headquarters of the said council shall be at the capital, but, with the consent of the governor, the council may establish branch offices elsewhere.

SEC. 6. The council of defense shall have power:

1. To do all acts and things, not inconsistent with the law, for the protection of life, property and public safety.

2. To create relations which render possible in time of need the immediate concentration and the utilization of the resources of the state.

3. To correlate, coordinate and supervise all of the agencies of the state and all resources and activities of the state in emergency, relief or welfare work.

4. To represent and cooperate with the council of national defense and the departments of the national government.

5. To cooperate with similar bodies in other states.

6. To create subsidiary councils or committees, either within or without its membership, to aid it in the discharge of its duties.

7. To organize the state or any county or community into relief or welfare agencies.

8. To call on and direct the co-operation and assistance of state and local governmental bodies and officials.

9. To adopt such rules and regulations as may be necessary or appropriate for the performance of its duties.



10. To hold meetings at such times and places as it may deem expedient.

11. To employ a secretary, who shall devote his entire time to the work of the council, and such other employes as it deems necessary.

SEC. 7. During the period of demobilization and post war readjustment the state council of defense shall have the power and duty to initiate and carry on within the state measures to coordinate the emergency activities of the state with those of the federal government and other states, to bring about the highest effectiveness within the state in relation to the problems of demobilization and readjustment, and to meet the emergencies arising in the state as a result of the previous existence of war.

SEC. 8. All officers, departments, boards, commissions, institutions and agencies of the state government or of any county or municipality in the state shall co-operate with the council and shall render it such aid and assistance, make such investigations on its behalf, and give it such information as the council may need or require.

SEC. 9. For the purpose of carrying out this act and to meet any emergency calling for the creation of the state council of defense, there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of \$5,000. The state auditor is authorized to issue warrants upon said appropriation for expenditures approved by the state council of defense and audited and allowed by the state board of examiners.

SEC. 10. The board of county commissioners of any county and the governing body of any municipality has power to pay from its current expense fund the necessary expenses of a local council of defense, whenever the same is organized and as long as the same exists at the request of the state council of defense, notwithstanding such extraordinary expense may not have been provided for in the current budget or appropriation.

SEC. 11. If any part or section of this act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole, or any part thereof which can be given effect without the part so decided to be unconstitutional or invalid.

SEC. 12. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 11, 1919.

**CHAPTER 101.**

(S. B. No. 34.)

**AN ACT**

CONFERRING AUTHORITY UPON THE ELECTORS RESIDING WITHIN CERTAIN TERRITORY HEREIN DESCRIBED TO VOTE AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER 1920, UPON THE QUESTION WHETHER SUCH DESCRIBED TERRITORY SHALL BE DETACHED FROM IDAHO COUNTY AND ANNEXED TO VALLEY COUNTY: PROVIDING FOR THE HOLDING OF SUCH ELECTION, THE DETERMINATION OF THE RESULT AND THE DIVISION OF DEBT OF IDAHO COUNTY AS BETWEEN IDAHO COUNTY AND VALLEY COUNTY ON THE BASIS OF THE VALUATION OF THE TERRITORY WHICH MAY BE DETACHED FROM IDAHO COUNTY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. At the general election to be held in November 1920, the qualified electors of the State of Idaho, who shall have resided for a period of ninety (90) days next preceding such election in the territory hereinafter described, shall have authority to vote upon the question of whether such described territory shall be detached from Idaho County and annexed to Valley County; said territory being described as follows, to-wit: Commencing at the Southwest corner of Township Twenty-two (22) North, Range Four (4) East of the Boise Meridian (being on the Fifth Standard Parallel North); thence north to the center of the Salmon River; thence easterly and along the center of the Salmon River to a point where said Salmon River intersects the westerly boundary line of Lemhi County; thence south along the west boundary line of Lemhi County to a point where said line intersects the Fifth Standard Parallel North; thence west along said Fifth Standard Parallel North to the place of beginning.

SEC. 2. The County Commissioners of Idaho County shall make such provision as will enable the qualified electors within the territory hereinabove described to vote at the general election to be held in November, 1920, on the question of detaching said above described territory from Idaho County and annexing the same to Valley County.

SEC. 3. It shall be the duty of the County Auditor of Idaho County to prepare, for the use of the qualified electors of the territory hereinabove described, a suitable ballot upon which shall be printed a description of the territory pro-



posed to be detached from Idaho County and annexed to Valley County, as herein authorized; and the question to be submitted shall be, shall the said territory be detached from Idaho County and annexed to Valley County (Yes.....) (No.....).

SEC. 4. The results of the election in so far as the said question is concerned shall be determined in the same manner as other questions submitted at said election, and if a majority of the electors residing within the territory herein described vote in favor of the annexation to Valley County, it shall be the duty of the County Commissioners of Idaho County to arrange with the County Commissioners of Valley County for the payment by property holders within the detached area of the ratable proportion of the liabilities of Idaho County existing at the time the separation of such territory becomes effective, such proportion to be determined upon the basis of the 1920 assessment of Idaho County.

SEC. 5. All questions relating to the determination of the proportion of bonded indebtedness and floating indebtedness of Idaho County, which should be assumed by Valley County under the provisions of this Act, shall be decided as follows: The bonded and floating indebtedness of the County of Idaho, State of Idaho, existing and owing at the time this Act takes effect, shall be paid by the counties of Idaho and Valley in the manner and proportion as follows, to-wit: That the County of Valley shall pay such proportion of said indebtedness as the total assessed value as shown by the assessment of 1920, of that part of Idaho County, hereby taken and declared to be a part of Valley County, bears to the total assessed value of Idaho County, as it now exists.

Approved February 19, 1919.

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## CHAPTER 102.

(S. B. No. 37.)

### AN ACT

TO AMEND CHAPTER 13, ARTICLE 3, SECTION 9 OF THE  
COMPILED LAWS OF IDAHO RELATING TO STATE DE-  
POSITORY LAW.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Chapter 13, Article 3, Section 9 of the Compiled Laws of Idaho is hereby amended to read as follows:

Section 9. APPROVED SECURITIES. No security shall be accepted by the board except United States bonds, bonds of the State of Idaho, bonds of the several counties, cities, villages, towns and school and highway districts of this state, and warrants of the State of Idaho and of the several counties thereof. No security shall be approved where there has been default within three years in the payment of principal or interest of any obligation issued by the same maker.

Approved March 6, 1919.

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## CHAPTER 103.

(S. B. No. 40.)

### AN ACT

CREATING A STATE CONSTABULARY, DEFINING THE POWERS AND DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT AND OF ALL PEACE OFFICERS IN THE STATE AND PRESCRIBING A PENALTY FOR THE VIOLATION OF THE DUTIES IMPOSED UNDER THIS ACT AND MAKING AN APPROPRIATION TO CARRY OUT THE PROVISIONS HEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. State Constabulary Created. The State constabulary hereby created consists of the department of law enforcement and all officers of the state, counties and municipalities who possess the power of peace officers.

SEC. 2. Powers and Duties of Department of Law Enforcement. For the purpose of cooperating with and assisting the governor in the performance of his constitutional duty of seeing that all of the laws are faithfully executed, the department of law enforcement shall have power:

1. To take all steps necessary for the enforcement of all the criminal laws of this state.

2. To assist in detecting and investigating crime, to procure evidence thereof, to arrest and prosecute persons charged therewith, to suppress riots, to prevent affrays, and to preserve and enforce law and order throughout the State.

3. To supervise the members of the state constabulary in the discharge of their official duties.



4. To enforce the laws of this state for the prevention of wrongs to children and dumb animals.

5. To enforce laws designed for the protection or control and maintenance of delinquent, dependent or neglected children.

6. To enforce all of the laws of the state enacted for the maintenance of temperance and morality.

7. To employ from time to time such state policemen as shall be deemed necessary to carry out the duties of the department. Any officer or employee of the state may in addition to his other duties be deputized as and exercise the powers of a state policeman.

8. To call into the police service of the state, any of the members of the state constabulary at any time that it may be deemed necessary to preserve order and enforce law in any part of the state.

9. To assemble the said constabulary, or any part thereof, for the purpose of perfecting and maintaining proper organization in that body and giving instructions as to the duties and authority of the members of said constabulary.

10. To order the abatement of public nuisances and to enforce such orders by appropriate procedure in the courts.

SEC. 3. Power and jurisdiction of members of constabulary. The commissioner of law enforcement, persons deputized by him as state policemen and members of the state constabulary when called into the service of the state are peace officers with jurisdiction to act in any part of the state. In the performance of their duties they may call to their assistance any member of the state constabulary or any other person.

SEC. 4. Enforcement of Law. It shall be the duty of a member of the state constabulary to comply with all orders of the department of law enforcement and at all times, whether on duty under the call of the department or not, to see that all of the laws of this state are faithfully executed and enforced. The members of said constabulary shall furnish to the department of law enforcement from time to time, such information regarding conditions in their several jurisdictions as may be required, and it shall be their duty to inform themselves of all violations of the criminal laws of this state, to notify the prosecuting attorney thereof, to file criminal complaints therefor, and to arrest and assist in the persecution of persons charged therewith.

SEC. 5. Penalty. Any person who shall wilfully fail or

refuse to obey the call for assistance of the department of law enforcement or a person acting under its jurisdiction in compliance with this act, or to perform any other duty herein imposed upon him, shall be deemed guilty of a misdemeanor and in addition to the punishment imposed therefor, shall forfeit his office.

SEC. 6. Emergency Appropriations. For the purpose of carrying out the provisions of this act and to meet any extraordinary emergency calling for the state constabulary, there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, to be available until expended, the sum of \$50,000. The state auditor is authorized to issue warrants upon said appropriation for expenditures approved by the commissioner of law enforcement and audited and allowed by the state board of examiners.

Approved March 11, 1919.

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## CHAPTER 104.

(S. B. No. 41.)

### AN ACT

ABOLISHING THE PRISON BOARD AND IMPOSING THE DUTIES THEREOF UPON THE BOARD OF PARDONS: AMENDING SECTION 8265 OF COMPILED LAWS OF IDAHO AND REPEALING INCONSISTENT LEGISLATION.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The prison board is hereby abolished and the duties thereof imposed upon the board of pardons.

SEC. 2. Section 8265 of Chapter 432 of the Compiled Laws of Idaho is amended to read as follows:

Section 8265. Parole of Prisoners. The board of pardons is authorized to parole prisoners confined in the state penitentiary in accordance with the provisions of this article. Wherever the term "prison board" is used in this article it shall be construed to refer to the board of pardons.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 28, 1919.



**CHAPTER 105.**

(S. B. No. 42.)

**AN ACT**

TO AMEND CHAPTER 57, SECTION 884, OF THE COMPILED LAWS OF IDAHO RELATIVE TO ROAD OVERSEERS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Chapter 57, Section 884 of the Compiled Laws of Idaho be and the same hereby is amended to read as follows:

Section 884. At their first meeting in January, in each county, the board of county commissioners shall appoint one road overseer for each road district in the county. Such road overseer shall be at all times subject to the direction of the *road supervisor, when such officer shall have been appointed as provided in Section 883a of the Compiled Laws of Idaho; otherwise they shall be subject to the orders and direction of the board of county commissioners*, and shall be removable by such board, and their compensation shall be fixed by such board.

Approved February 14, 1919.

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**CHAPTER 106.**

(S. B. No. 66.)

**AN ACT**

TO AMEND SECTION 2261 OF THE COMPILED LAWS OF THE STATE OF IDAHO, RELATING TO THE DEPOSIT OF MUNICIPAL FUNDS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2261 of the Compiled Laws of the State of Idaho, be, and the same is hereby amended to read as follows:

Section 2261. The treasurer may be required to keep all money in his hands belonging to the corporation in such place or places of deposit as may be provided by ordinance but no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank in such penal sum and with such security as the council or board of

trustees shall direct and approve, sufficient to save the corporation from any loss, but such penal sum shall not be less than the estimated *maximum amount on deposit at any one time* from taxes and special assessments levied and to be levied by the corporation. *Provided, however, that the treasurer may be directed and empowered, by ordinance, to invest any money in his hands in securities of the United States government, or of the state of Idaho, county bonds, highway bonds, or in local improvement district bonds of the city or village for which he is treasurer.*

Approved February 28, 1919.

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## CHAPTER 107.

(S. B. No. 68.)

### AN ACT

RELATING TO THE NOMINATION AND ELECTION OF CANDIDATES FOR CERTAIN PUBLIC AND POLITICAL OFFICES; DEFINING POLITICAL PARTIES AND THE POWERS AND DUTIES OF POLITICAL COMMITTEES AND CONVENTIONS; RELATING TO THE EXPENDITURES OF CANDIDATES, MAKING CERTAIN ACTS CRIMINAL AND PROVIDING PENALTIES THEREFOR; PROVIDING FOR THE PAYMENT OF CERTAIN EXPENSES OF DELEGATES TO CERTAIN POLITICAL CONVENTIONS AND PROVIDING AN APPROPRIATION FOR EACH BIENNIUM THEREFOR; AND REPEALING SECTIONS 1 TO 43, BOTH INCLUSIVE, OF CHAPTER 27 OF THE POLITICAL CODE AND SECTIONS 382 TO 392, BOTH INCLUSIVE, OF THE POLITICAL CODES OF THE COMPILED LAWS OF IDAHO RELATING TO PRIMARY ELECTIONS; AND REPEALING ALL LAWS AND PARTS OF LAWS IN CONFLICT HEREWITH.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. WHAT OFFICERS AFFECTED. Candidates of all political parties for United States Senator, Representatives in Congress and Presidential electors and for elective state, district, county, precinct *and municipal officers* shall be nominated as hereinafter provided.

SEC. 2. WHAT IS A POLITICAL PARTY. A political party, within the meaning of this Act, is an affiliation of electors, representing a political organization under a given name, which at the last preceding general election cast for any candidate on their ticket, within this State,



ten per cent or more of the total vote cast for all candidates for such office within the State, and upon which ticket there were at least three nominees for State offices, or an affiliation of electors, equal in number to five per cent of the total number of votes cast at the preceding general election, who shall, at least thirty days before the date of the primary, file with the Secretary of State a written notice that they desire recognition as a political party, which said notice shall contain, 1st: The name of the proposed party. 2nd: That the subscribers thereto have affiliated one with another, for the purpose of forming such party, and 3rd: That the subscribers to such notice intend to nominate at least three candidates for State offices whereupon such affiliation shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election.

SEC. 3. PRIMARY ELECTION—WHEN HELD. Primary elections shall be held on the second Tuesday of August, 1920, and biennially thereafter, for the nomination of candidates for county offices, and for the office of District Judge or Judges in the years when the District Judge or Judges of the respective Judicial Districts are to be elected, the election of precinct committeemen, and the election of delegates to attend the County Convention, hereinafter provided for, and there represent their respective precincts. The person receiving the greatest number of votes or if the precinct is entitled to more than one delegate, then the persons receiving the greatest number of votes, shall be by the judges of the precinct declared to be elected as delegates to the county convention, and such judges shall issue to him or them a certificate of election. For the purpose of this Act, the offices of State Senators and Representatives in the State Legislature shall be considered county offices and nominated as other county officers.

The number of delegates to the county convention to be determined as follows: The total of votes cast in each precinct at the last preceding election for candidates of that party for Legislative and county offices shall be divided by the number of such candidates and the quotient shall be taken as the vote of said party in the precinct and each precinct shall be entitled to one delegate to the county convention for each thirty votes or major part thereof provided each precinct shall be entitled to at least one delegate. At any convention held under the provisions of this Act each delegate shall be entitled to one vote; but in case the whole number of delegates are not present from

any precinct or county, the delegate or delegates present from said precinct or county shall cast the vote for the full delegation by each delegate present voting an equal proportion of the absent vote.

SEC. 4. COUNTY CENTRAL COMMITTEE. The County Central Committee of each party shall be composed of one member elected from each voting precinct of the County by the electors of each party in such precinct, at said primary election; the person receiving the greatest number of votes shall be, by the precinct judges, declared elected, and such judges shall issue to him a certificate of election, which shall entitle him to a seat in said County Central Committee.

The persons so elected by each party shall separately meet at the County Seat at noon on the second Saturday following their election, and organize by electing a Chairman, and a Secretary, together with such other officers as they may deem necessary, and when duly organized shall have the usual powers vested in such committees, including the power to fill vacancies in the Committee and upon their respective party tickets, and shall have power to select and name the primary election judges, clerks and other officials. In the counties formed by the Legislature where no county organization of the respective parties exist the county commissioners shall appoint the judges and officials for the respective parties for the primary election to be held in the year 1920, and provided further that the present State and County committees of the respective parties now in existence shall have all the authority, powers and duties of the committees herein provided for until the primary election of 1920.

SEC. 5. COUNTY CONVENTION. County conventions of political parties composed of delegates chosen at the primary election shall be held in the several counties on the Third Tuesday of August following the primary election, at such place in each county and beginning at such hour as may be fixed by the respective county committees.

At the time and place so designated and fixed, or as soon thereafter as a majority of the duly accredited delegates appear, the convention shall organize and then select delegates to the State convention, also a member of the State Central Committee, and, if so determined by the convention, adopt a county platform. The chairman and secretary of the convention shall promptly certify to the county auditor of the county the names and postoffice addresses of the several precinct committeemen selected and to the Secre-



tary of State the names and addresses of the delegates to the State Convention.

SEC. 6. STATE CENTRAL COMMITTEE. The State Central Committee shall organize on the Fourth Tuesday of August following the primary election, on call of the chairman of the outgoing committee or the joint call of three members of the incoming committee, by choosing a chairman and a secretary, each of whom shall be an elector of the party within the State, but neither need be selected from among the members of the Committee. Such meeting shall be held at the seat of the State Government unless a different place is fixed with the consent of a majority of the members of the Committee.

SEC. 7. STATE CENTRAL COMMITTEE. The State Central Committees of the respective political parties shall have power to make rules and regulations for their use and guidance, to fill vacancies in the committee and in their party tickets, to nominate candidates when necessary for special elections or call state conventions for that purpose, and perform all other acts and functions inherent in such organizations or arising from necessity and not inconsistent with the provisions of this Act, and the several county committees shall have and exercise the same powers concerning like matters relating to their respective counties subject to the authority of the State Central Committee. The State committees shall also have power to call state conventions for the selection of delegates to the national conventions of their respective parties, determine the number of delegates to such state conventions to which each county is entitled and provide for the time and manner of choosing delegates, and shall have full authority to prescribe such rules and regulations as it deems necessary to determine the qualifications of such parties and who shall be entitled to vote at the primaries of such parties.

SEC. 8. STATE CONVENTION. The state convention of a political party shall be composed of the delegates from the several counties, chosen as hereinbefore provided, the number thereof to be determined as follows: The total number of votes cast in each county at the last preceding general election for all candidates of that party for representative in Congress and the several state officers, shall be divided by the number of such candidates and the quotient shall be taken as the vote of said party in the county, which county shall be entitled to one delegate to the State convention for each four hundred or major part thereof of such vote; *Provided*, That each county shall be entitled to

at least one delegate. It is the duty of the Secretary of State to determine in the manner herein set forth the number of delegates to which each political party is entitled from the several counties and to certify the same to the county auditors of the different counties not later than the first day of February of each year in which a general election is to be held.

SEC. 9. STATE CONVENTION. A State convention of each political party shall be held on the fourth Tuesday of August following the primary election, at such place and within the state and beginning at such hour as the State Central Committee of the party may determine. At the time and place so designated and determined, or as soon thereafter as a majority of the duly accredited delegates appear, the convention shall organize and proceed to the adoption of a platform and the nomination of candidates for representatives in Congress and for such elective state offices as are to be filled at the next general election, and, also, when such offices are to be filled at such election, candidates for presidential electors and for United States Senator. In the nomination of candidates, the following order shall be followed:

(1) Presidential Electors; (2) United States Senator; (3) Representatives in Congress; (4) Governor; (5) Lieutenant Governor; (6) Justice of the Supreme Court; (7) The remaining state officers in the order named in the Constitution or in the laws creating them. *Provided*, That in the nomination of Representatives in Congress only the delegates representing the counties within the territorial limits of the respective Congressional districts shall be entitled to vote for the Representatives to be nominated from such district.

SEC. 10. GENERAL PROVISIONS OF ELECTION LAWS APPLICABLE. The provisions of the general laws relative to the holding of elections, the furnishing of ballot boxes and supplies, the solicitation of voters at the polls, the manner of conducting elections, the officers and duties thereof at elections, the counting of ballots and making returns of the results, the canvassing of returns, and all other provisions relating to general elections, shall apply to primary elections in so far as they are applicable and consistent with the provisions of this Act, and the rules and regulations adopted or to be adopted by the State Central Committees of the respective parties, tending to the prevention of the voting at the respective party primaries of others than bona fide members of such parties. The in-



tent of this Act being to place the holding of primary elections for the nomination of candidates for office under the protection and regulation of general laws now in force as far as possible, adding thereto the special features herein provided;

*Provided*, That when at any primary election such irregularities or frauds on the part of the voters or of officers of election, or of any other persons, shall occur, resulting in the election of delegates who do not correctly represent the principles of the party to which they are accredited or which the convention to which they are elected is clearly satisfied would not have been elected had the primary been fairly and honestly conducted, the convention must deny any delegate so fraudulently elected a seat in the convention, said convention to be the sole judge of the conduct of said primary.

SEC. 11. TALLY SHEETS. Two sets of tally sheets for each political party having candidates to be voted for at the primary election shall be furnished with the other supplies, and shall be practically as follows:

Each tally sheet, or the first page of each tally book shall be headed: "Tally sheet for..... (Name of Political Party)..... (Name of County)..... (Name of Election Precinct)..... (Date)."

The names of the candidates shall be placed on the tally sheets in the order in which they appear on the sample ballots, and in each case shall have the proper party designation at the top thereof; in other particulars said tally sheets shall be of similar form to those used at the general election. The County Auditor shall also furnish to each political party holding a primary election in any precinct one copy of a check or poll list showing the registered voters of such precinct.

SEC. 12. PRIMARY ELECTION OFFICIALS AND SUPPLIES. The county central committee of each party holding such primary shall each designate three persons to act as judges and clerks of the primary election in each precinct. If any of such persons do not serve as judges then any of the judges present or the precinct committeemen of their party within the precinct shall select persons to fill the vacancies. The judges may appoint other electors of the precinct member of said party to assist them in their duties connected with the election, including the counting and canvassing of the ballots. Judges, clerks, and assistants at primary elections shall receive no compensa-

tion from the county or state for their services. It shall be the duty of the precinct committeemen of the respective parties holding such primaries to provide a separate polling place in each precinct and no part of the cost, if any, of securing such polling place shall be paid by any county of the state or be a proper charge against any county. All ballots and other election supplies for any precinct shall be delivered to a precinct committeeman of such precinct of each party holding such primary, whose duty it shall be to see that the same are at the proper polling place for use at the time for opening the polls.

SEC. 13. PUBLICATION OF NOTICE OF PRIMARY. The county auditor of each county shall cause a notice of the primary election to be published at least once a week for two successive weeks in each newspaper published in the county representing each party holding a primary if there are such papers published in the county, and if not, then in any two papers published and having an extensive circulation therein, *Provided*, That publication in a single paper shall be deemed sufficient in any county where but one paper is published; and shall cause a copy of such notice to be posted conspicuously in each precinct in the county at least ten days before the election. Such notice to be so published and posted shall contain the names and addresses of all persons for whom nomination papers have been filed and who are to be voted for in his county with the party designation and title of each officer, but not in ballot form, show the number and names of delegates of each political party the several precincts are entitled to select to the county convention, give the date of the primary election, and the hours during which the polls will be open. At the time of posting said notices the county auditor shall supply the precinct committeeman of each political party holding such primaries with three blank forms to be filled in by said committeeman so as to show the place in his precinct where the primary election will be held, and these notices must be conspicuously posted at three prominent places in his precinct, for not less than five days preceding the primary election.

SEC. 14. WHO CAN VOTE. No person shall be entitled to vote at any primary election unless he is duly registered in the precinct wherein he offers to vote, and is a member of the political party holding the primary at which he attempts to vote.

SEC. 15. WHO SUBJECT TO CHALLENGE. A person offering to vote at any primary election shall be subject



to challenge on any ground that would subject him to challenge at any general election and on the further ground that he is not a bona fide member of the political party holding the primary at which he offers to vote.

SEC. 16. WHO TO DETERMINE RIGHT OF PERSON TO VOTE. Any judge at any primary election shall have authority to administer the oath or affirmation to any persons offering to vote or offering to testify for or against such person. If any person be challenged for being within any prohibited class thereupon such person shall be examined by the election judges and if the judges of election are satisfied that such person is within such prohibited class his or her vote shall not be received.

SEC. 17. HOW TO VOTE. Each voter shall upon receiving a ballot retire to one of the booths and without delay mark the ballot received by him and fold it so that its face shall be concealed. He shall thereafter deliver the ballot received by him to one of the judges of election and it shall be deposited by said judge in the ballot box for votes. In the event a voter shall soil or deface the ballot received by him he shall at once return it and obtain another and the election officer shall place the ballot so returned in the ballot box provided for waste ballots.

SEC. 18. WHEN POLLS OPEN. The polls in the several election precincts on the day any primary election is held shall be open from one o'clock in the afternoon until seven o'clock in the evening. There shall be no adjournment or intermission of the work of the judges until the polls are closed, the votes counted and canvassed and the result publicly announced.

SEC. 19. CANVASSING OF THE VOTES. The votes of such primary election shall be canvassed in the manner provided by the general election laws as nearly as practicable.

When the ballots are taken from the ballot boxes, they shall be placed in a pile and when the canvass is completed shall be securely fastened together. The judges shall count the ballots and shall carefully enter the number of votes for each candidate on the tally sheet provided therefor, and when the count is completed shall ascertain the total vote cast for each candidate and publicly announce the result. The judges shall also mark on a sample ballot the total vote received by each candidate, shall enter thereon the name of the precinct, and shall immediately mail the same to the county auditor who shall keep it on file for public informa-

tion and reference until after the official canvass by the county commissioners of the votes cast at the said election.

SEC. 20. **BALLOTS.** After all ballots have been canvassed they shall be locked in a ballot box and retained by the judges; and the returns showing the number of votes received by each candidate, together with all election supplies, shall immediately be securely sealed and forthwith sent to the clerk of the board of county commissioners.

SEC. 21. **RETURNS TO BE CANVASSED BY BOARD OF COUNTY COMMISSIONERS.** As soon as all the returns are received and not later than the tenth day after a primary election, the board of county commissioners shall meet as a board of canvassers, and canvass and make abstracts of the votes for the respective candidates for the different offices, and shall certify to the county auditor the names of the persons nominated by the different parties for the respective offices to be voted for at the ensuing general election in such county and shall make abstracts of the votes for the office of District Judge or Judges of their district and shall certify to the Secretary of State the number of votes cast for all nominees for the office of District Judge or Judges.

SEC. 22. **CANVASSING VOTES FOR DISTRICT JUDGES.** For the purpose of canvassing the result of the primary votes for the nomination of District Judges the state board of canvassers as provided for by the general laws shall meet in the office of the Secretary of State at 10 o'clock in the forenoon, fifteen days after such primary and shall canvass the votes for candidates for the office of District Judges and shall certify the respective party nominees of the respective districts to the Secretary of State not less than thirty-five days before the general election next ensuing.

SEC. 23. **WHO NOMINATED.** The person of each party receiving the highest number of votes shall be the nominee for the specified office. In each precinct the persons up to the number to which the precinct is entitled as delegates who receive the highest vote shall be the delegates from that precinct to the respective county conventions. In case of a tie, the same shall be decided by lot as provided in Section 24 hereof. At the time and place set for holding any county convention it shall be the duty of the county auditor to certify to the presiding officer of such convention the number of delegates to be elected from such county to the state convention of such party, the names of the candidates for all offices nominated at the primary



election, the offices for which no candidate was nominated by the primary, together with the names of all candidates for such offices and the total vote received by each.

SEC. 24. TIE VOTE. Should two or more candidates of any political party receive the same number of votes for the same office, the tie shall be determined by lot by the candidates, or their representatives duly authorized, the same to be drawn in case of a county office under the supervision of the County Auditor, and in case of a district or state office under the supervision of the Secretary of State.

SEC. 25. COUNTIES TO FURNISH ELECTION SUPPLIES. The cost of all ballots, blanks and other supplies to be used at primary elections herein authorized, shall be paid out of the county treasury, as in the case of general elections.

SEC. 26. NOMINATIONS BY PETITION. Candidates for elective public offices may be nominated otherwise than as hereinbefore set forth, in the following manner: A certificate of nomination stating the office, the name of the candidate, his postoffice address, including, if for a municipal office, the street number, if any, and his business occupation, shall be signed by electors of the political division to which the office relates; the number of signers when the nomination is for United States Senator, Representative in Congress, Presidential elector or for a state office to be not less than three thousand, of which not more than twenty-five per cent shall be residents of a single county; for a district office not less than nine hundred; for a county office not less than three hundred; for a precinct office not less than thirty; for a municipal office relating to the entire municipality not less than seventy-five, and for a division of the municipality not less than thirty. Each signer shall write, or have written, in connection with his signature his place of residence, including, if within a city or town, his street number, if any. The signatures need not be all on the same paper, but all papers so signed relating to the same candidate shall be taken together as constituting the certificates. The certificates of nominations for United States Senator, Representatives in Congress, or presidential elector and for state and district offices shall have appended thereto a certificate of the county auditor stating that all the signers residing within his county are registered voters and shall be filed in the office of the Secretary of State not later than the Fourth Tuesday of August. Certificates of nomination for county and precinct officers shall be filed with the County Auditor not later than the

second Tuesday of August, and certificates of nominations for municipal officers shall be filed with the clerk of the municipality not more than thirty days and not less than ten days before the day of election. The time for filing certificates of nominations as herein set forth shall not apply to nominations to fill vacancies. No person shall sign any nomination as provided for in this section if he has voted or intends to vote at any primary held for the purpose of nominating candidates to be elected at the same election for which the nomination provided for in this section is made.

SEC. 27. NOMINEES OF STATE CONVENTION—CERTIFIED. The persons nominated shall be the duly accredited candidates of their respective parties for the several offices and their names shall be printed in the proper party column, and under the appropriate heading on the official ballot for the ensuing general election. Within five days after the adjournment of a state convention there shall be filed with the Secretary of State a copy of the platform adopted thereat, certified to by the chairman and secretary of the convention, and a certificate signed by said officers, showing the names, postoffice addresses and business occupations of the candidates nominated.

SEC. 28. NOMINATION PAPERS. In order that the name of a person may be placed on the ticket of his party as a candidate for nomination at the primary election for any office, a nomination paper must be signed and sworn to by him and filed in the office of the county recorder of the county not more than sixty days nor less than thirty days before the primary election. Such paper, when signed and sworn to by him, shall be in substantially the following form, with the blanks thereof properly filled, to-wit:

“I, the undersigned, being a qualified elector of \_\_\_\_\_precinct, \_\_\_\_\_County, State of Idaho, and a member of the \_\_\_\_\_ party, hereby declare that I am a candidate for the office of \_\_\_\_\_, to be voted for at the primary to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.”

STATE OF IDAHO, } ss.  
COUNTY OF \_\_\_\_\_ }

I, \_\_\_\_\_, do solemnly swear (or affirm) that I am a citizen of the United States of the age of twenty one years or over, or will be at the ensuing election, and am a legally qualified voter of \_\_\_\_\_



County; that I now reside at (insert street and number, if any) in this precinct and am a member and affiliated with the .....party; that I have not voted at a primary of another political party within a period of two years prior to this date; that I have not signed a petition for nomination of a candidate of a political party with which I am not affiliated, and that I have not signed the nomination papers of an independent candidate for any office, for which office candidates for nomination are voted for at this primary; that I believe in the greater part of the principles as set forth by the .....party, and will be governed thereby in my official acts if elected, and that I am not becoming a candidate as member of any partisan or non-partisan organization other than as a candidate of the .....party; that I voted at the ..... city, village or town, with the ..... political party at the ..... election held in .....  
 A. D.

Subscribed and sworn to before me this ..... day  
 of ....., 19.....

In addition to such nomination paper, such candidate shall produce and file with the county recorder at the same time as such nomination paper is filed a written certificate of the county chairman or a majority of the county central committee, that he is then and has been for two years prior thereto a member of the political party on whose ticket he desires to become a candidate.

SEC. 29. NOMINATION PAPERS—WHERE FILED. All nomination papers herein required shall be filed as follows: For the office of Judge of any District Court in the office of the Secretary of State, and for county and precinct offices, precinct committeeman and delegates to the county convention in the office of the County Recorder.

SEC. 30. SECRETARY OF STATE TO CERTIFY NAMES OF CANDIDATES FOR DISTRICT JUDGES TO COUNTIES OF THE RESPECTIVE DISTRICTS. At least thirty days before any primary election, the Secretary of State shall transmit to each county auditor within the state a certified list containing the name, post office address and party designation of each person entitled to be voted for at such primary for the office of District Judge as appears from the nomination papers filed in the office of the Secretary of State.

SEC. 31. FEES. At the time of the filing of a nomination paper a fee shall be paid to the county auditor equal in amount to one per cent of the annual salary of the office for which the nomination is sought, which fee shall be turned into the county treasury. For filing a nomination paper for any legislative candidate the filing fee shall be two dollars.

SEC. 32. AUDITOR TO PREPARE BALLOTS. As soon as he shall have the necessary information and as soon as possible after the time has expired for the filing of nominations in his office, the county auditor of each county shall prepare forms of official ballots containing the ticket of each political party and arranging therein the names of the candidates for each office alphabetically according to the first letter of the surname of each candidate. The said ballots shall be prepared in substantially the form of sample ballots hereto attached. Across the top of each ballot shall be printed in plain type:

First: The words "Official Primary Election Ballot". Second: The name of the party holding such primary. Third: The party's emblem, if any it has. Fourth: The name of the county in which the ballots are to be used. Fifth: "Instruction; To vote for a person make a cross (X) in the square at the right of his name. After marking the ballot, hand it to a judge of the election to be placed in the ballot box for votes."

SEC. 33. FORM OF PRIMARY BALLOT. Following the foregoing heading, the tickets shall be arranged on the official ballots for primary election in substantially the following form:



State Senator  
(Names)

State Representative  
(Names)

District Judges  
(Names)

County Commissioner  
First District  
(Names)

County Commissioner  
Second District  
(Names)

County Commissioner  
Third District  
(Names)

Clerk District Court  
(Names)

Prosecuting Attorney  
(Names)

Sheriff  
(Names)

County Treasurer  
(Names)

Probate Judge  
(Names)

County Superintendent of Public Instruction  
(Names)

County Assessor  
(Names)

Coroner  
(Names)

Surveyor  
(Names)

Delegates to County Convention  
(Names)

Precinct Commiteemen  
(Names)

.....(for primary held), (date)

SEC. 34. NOMINATIONS BY PETITION. No certificate of nomination made pursuant to the provisions of Section 26 of this Act shall contain the name of more than one candidate; no person shall join in nominating thereunder more than one person as a candidate for each office to be filled, and no person shall accept a nomination for more than one office. The names of all candidates so nominated shall appear under proper designation as to the offices for which they are proposed, in the same column of the official ballot with the word "Independent" and nothing more at the top thereof, and no party appellation, statement of principles or other matter shall appear in connection with such names or column except as here stated.

SEC. 35. CERTIFICATES OF NOMINATION TO BE PRESERVED. The Secretary of State, the County Auditors of the several counties and the clerks of the several municipalities shall cause to be preserved, in their respective offices for one year, all certificates of nomination filed.

SEC. 36. SECRETARY OF STATE TO CERTIFY WHO NOMINATED. Not less than thirty days before an election the Secretary of State shall certify to the several county auditors the names, places of residence, and business occupations of all persons nominated to be voted for at the election as shown by certificates, the nomination papers filed in his office, with the necessary information relating to such nominations as will enable the county auditors to properly prepare the ballots. Certificates relating to nominations for district officers shall be sent only to the county auditors of the counties composing the respective districts.

SEC. 37. COUNTY AUDITORS TO PUBLISH NAMES OF NOMINEES. As soon as the County Auditor has received the information required to be certified to him by the Secretary of State as provided in Section 36 of this Act, it shall be his duty to publish in the simplest and least expensive form the names of all candidates of all parties for state and county offices which will appear upon the official ballot at the general election, such publication to be made once a week for three consecutive weeks in the official county newspaper. As soon as the clerk of the municipality shall have received the certificate of nomination required to be filed with him it shall be his duty to publish in a similar manner the information contained in said certificates for one week in one newspaper of general circulation in such municipality.



SEC. 38. **DECLINE NOMINATIONS.** Whenever any person nominated for a public office shall in writing signed by him and by him acknowledged before a proper officer or attested by the signature of two competent witnesses, and filed in the office in which the certificate of his nomination was filed, state that he declines the nomination, such nomination shall thereafter be of no effect. In nominations relating to presidential electors, congressional, state and district officers, declinations must be filed not less than twenty days before the election and in nominations relating to legislative, county, precinct and municipal officers such declinations must be filed not less than ten days before the election.

SEC. 39. **FILL VACANCIES.** Before the ballots are printed for the election, if any person nominated at a primary election or by a convention of a political party or other political organization, die or decline the nomination as provided in Section 38 of this Act, or becomes ineligible to hold the office for which he was nominated, or any such nomination be or become insufficient or inoperative from any cause, the vacancy thus occasioned may be filled in the manner hereinafter specified, to-wit:

If the original nomination was made by a convention which delegated to a committee the power to fill vacancies such committee may, upon the happening of a vacancy, proceed to fill the same, and if no such power was delegated then the right to make nomination for presidential elector or for United States Senator or a congressional, state or district officer shall lie with the state committee of the party and for a county or precinct officer with the county committee. The chairman and secretary of the committee which makes the nomination shall thereupon make and file with the proper officer a certificate setting forth the fact and cause of the vacancy, the name of the person so nominated, the office for which the nomination is made, the name of the person for whom the new nominee is to be substituted, the fact as to the power of the committee to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the manner prescribed for the original certificate of nomination, and filed in the same office, and have the same force and effect as such original.

When such certificate shall be filed with the Secretary of State he shall, in certifying the nomination to the county auditors insert the name of the person who has been thus nominated to fill a vacancy in place of that of the original

nominee, and in the event he has already set forth his certificate, he shall forthwith certify to the county auditors the name and other information relating to the person so nominated to fill the vacancy, the office he is nominated for, the party or organization he represents and the name of the person for whom such nominee is substituted. The state central committee or county committees may delegate such authority to any committee chosen from their number.

SEC. 40. VACANCIES AFTER TICKET IS PRINTED. When a vacancy occurs after the ballots are printed, it may be filled in the manner provided in Section 39 of this Act, and if so filled the officer whose duty it is to have the tickets printed and distributed shall have prepared a requisite number of stickers with the name of the substitute candidate printed thereon, and send them by registered mail to the judges of election in the various precincts of the county. The judges of election shall affix such stickers at the proper place on the ballots before the ballots are delivered to the voters.

SEC. 41. PERSONAL EXPENSES. No person shall, to aid or promote his nomination as a candidate for an office, either at a primary election or a convention, directly or indirectly, himself or through any other person or agency, give, pay, expend or contribute, or promise to give, pay, expend or contribute any money or other valuable thing or service, except for personal expenses. The words "personal expenses" as used in this Act shall mean and include only expenses directly incurred and paid by a candidate for his own traveling and purposes directly incidental thereto; for publishing, for writing, printing and preparing for transmission, letters, circulars and other publications relating to his candidacy and other public matters; for cards, stationery and postage, and for halls and other places for holding public meetings; *Provided*, That no candidate for nomination at any primary election or convention shall give, pay, expend, contribute or promise for personal expense, or at all, to aid or promote his nomination more than twenty-five per cent of the yearly salary or compensation of the office if he be a candidate for United States Senator, representative in Congress, or any state or district office except Lieutenant Governor; nor more than ten per cent if he be a candidate for a county office, except that he may expend not to exceed three hundred dollars if he be a candidate for the office of Lieutenant Governor and not to exceed one hundred dollars if he be a candidate for either branch of the Legislature or for county commissioner.



SEC. 42. **FILINGS OF ITEMIZED ACCOUNTS.** Every candidate for nomination for any office other than a precinct or a municipal office, at a primary election or convention, shall within twenty days after such election or convention file an itemized statement in writing, duly sworn to as to its being correct, setting forth each sum of money, thing of value or consideration whatever, given, paid, expended, contributed, or promised by him or any one for him with his knowledge or consent to secure influence or in any manner affect his nomination. Such statement shall set forth all sums paid as personal expenses and show fully and in detail the nature, kind and character of the purposes for which they were expended or promised and the person or persons to whom they were paid or promised. Statements relating to congressional, state and district offices shall be filed with the Secretary of State, and statements relating to county offices shall be filed with the County Auditor, and shall during office hours be opened to public inspection. No person whose name is not printed on the official ballot shall be considered a candidate at a primary election within the meaning of this section, unless he receives at least twenty per cent of the votes cast for the office, and no person shall be considered as having been a candidate at a convention unless, with his consent, he received votes therein or was thereby given a nomination which he accepted.

SEC. 43. **PERJURY.** Any person who knowingly swears falsely to any material statement or matter in a nomination paper or certificate or other paper relative to his qualifications as a voter upon registration or at a primary election or as to his party affiliations, or as to his personal expenses as herein defined, is guilty of perjury and upon conviction thereof shall be punished as provided in the Penal Code.

SEC. 44. **SIGNING NAME OF ANOTHER PERSON.** Any person who shall write the name of another as a signer or witness to a nomination paper or nomination certificate, except with his consent and in the presence of at least one witness, shall be guilty of forgery and upon conviction thereof shall be punished as provided in the Penal Code.

SEC. 45. **SECRETARY OF STATE TO PROVIDE COPIES OF THE LAW.** The Secretary of State shall provide copies of this law and transmit the same to the county auditors of the state at least sixty days before the next primary election and the county auditors shall send at least one copy thereof to the election judges in each precinct with the other election supplies for use at such election.

SEC. 46. LAWS REPEALED. Sections 1 to 43, both inclusive, of Chapter 27, of the Political Code and Sections 382 to 392, both inclusive, of the Political Code, of the Compiled Laws of Idaho, relating to Primary Elections, and all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 47. Each delegate to a State Convention shall, upon his filing with the State Auditor a receipt for his railroad fare to and from his place of residence to such convention and a certificate of the chairman or secretary of such convention that he attended the same and voted therein, be entitled to be reimbursed for the actual sum so expended by him. And the State Auditor is hereby authorized to draw his warrant upon the above conditions being fulfilled, in favor of each of said delegates, for the amount to which said delegate is, as above provided, entitled, and the State Treasurer is hereby authorized to pay said warrants. There is hereby appropriated for such biennium, out of the general fund not otherwise appropriated, for the purposes herein provided for, the sum of Seventy-five Hundred Dollars (\$7500), or so much thereof as may be necessary.

Approved March 3, 1919.

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## CHAPTER 108.

(S. B. No. 73.)

### AN ACT

TO AMEND SECTION 4441 OF PART 3 CODE OF CIVIL PROCEDURE OF THE COMPILED LAWS OF THE STATE OF IDAHO RELATING TO MOTIONS FOR A NEW TRIAL.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 4441 of the Compiled Laws of the State of Idaho be and the same is hereby amended to read as follows:

Section 4441. The party intending to move for a new trial must, within 10 days after the verdict of the jury, if the action were tried by a jury, or after notice of the decision of the court or referee, if the action were tried without a jury, file with the clerk and serve upon the adverse party a notice of his motion designating the grounds upon which the motion will be made, and whether the same will be made upon affidavits, or the records and files in the action, or the minutes of the court.



1. If the motion is to be made upon affidavits, the moving party must, within 10 days after serving the notice, or such further time as the court in which the action is pending, or a judge thereof, may allow, file such affidavits with the clerk and serve a copy upon the adverse party, who shall have 10 days to file counter affidavits, a copy of which must be served upon the moving party.

2. When the motion is to be made upon minutes of the court, and the ground of the motion is the insufficiency of evidence to justify the verdict or other decision, the notice of motion must specify the particulars in which the evidence is alleged to be insufficient; and, if the ground of the motion be errors in law occurring at the trial, and excepted to by the moving party or deemed excepted to, the notice must specify the particular errors upon which the party will rely. *If the notice of motion does not contain the specifications herein designated the moving party may at any time within twenty days after filing such notice of motion, or within such further time as the court may allow, file a notice containing such specifications and serve a copy of the same upon the adverse party, and unless he do so the motion must be denied.*

Approved March 12, 1919.

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## CHAPTER 109.

(S. B. No. 75.)

### AN ACT

AMENDING SECTION 3:20 OF THE COMPILED LAWS OF THE STATE OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 3:20 of the Compiled Laws of the State of Idaho be amended to read as follows:

Section 3:20. ELMORE COUNTY. Elmore County is described as follows: Beginning at a point on the top of the Sawtooth range of mountains, where the counties of Camas, Boise, Custer and Elmore unite;

*Eastern Boundary.* Thence in a southerly direction along the summit of the Sawtooth mountains to a point where the trail crosses the summit of what is known as the Mattingly Creek Divide; thence in a southerly direction along the main divide between the Middle Fork and the South Fork of the Boise River to a point on the divide be-

tween Willow Creek and Bear Creek; thence in a southerly direction on the main divide between Willow Creek and Skeleton Creek to the center of the channel of the South Fork of the Boise River; thence down the channel of said river to the point of intersection with the range line between Ranges Eleven (11) and Twelve (12) East, approximately in Township Three (3) north; thence south on the range line between ranges Eleven (11) and twelve (12) East, to Snake River;

*Southern Boundary.* Thence down the middle of the channel of Snake River to a point opposite the mouth of Bruneau River (15 Ter. Ses. 38; '95, p. 31);

*Western Boundary.* Thence in a straight line in a *northwesterly* direction to a point in the center of the channel of Boise River opposite the mouth of Mores Creek ('95, p. 15; reenacted '99, p. 234);

*Northern Boundary.* Thence upon and along the boundary line of the county of Boise to the place of beginning.

*County Seat*—Mountain Home.

Approved February 19, 1919.

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## CHAPTER 110.

(S. B. No. 76.)

### AN ACT

RELATING TO THE SALE IN BULK OF MERCHANDISE, FURNITURE, FIXTURES, OR EQUIPMENT OF STORES, HOTELS, RESTAURANTS, BARBER SHOPS OR ANY PLACE OF BUSINESS WHEREIN THE FURNITURE, FIXTURES OR EQUIPMENT SO SOLD IN BULK ARE USED IN CARRYING ON SAID BUSINESS, AND TO REPEAL SECTIONS 3332, 3333, 3334 AND 3335 OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. It shall be the duty of every person who shall bargain for or purchase any portion of the stock of goods, wares, or merchandise in bulk or fixtures otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business or an entire stock of merchandise in bulk for cash or on credit or any portion of the property, furniture, fixtures, or equipment or supplies of a hotel, restaurant, barber shop or any place of



business wherein the furniture, fixtures, or equipment are used in carrying on said business, otherwise than in the regular course of trade before paying to the vendor or his agent or representative or delivering to the vendor or his agent or representative any part of the purchase price thereof, or any promissory note or other evidence of same, to demand and receive from such vendor or his agent, or if the vendor or agent be a corporation, then from the President, Vice President, Secretary, or managing agent of such corporation, a sworn statement in writing substantially as hereinafter provided of the names and addresses of all the creditors of said vendor to whom said vendor may be indebted, together with the amount of the indebtedness due or owing or to become due or owing, by said vendor, to each of said creditors and it shall be the duty of said vendor or his agent to furnish such statement which shall be verified by oath to substantially the following effect:

STATE OF IDAHO,     }  
COUNTY OF..... } ss.

Before me personally appeared (vendor or agent as the case may be) who being by me first duly sworn, on his oath, did depose and say that the foregoing statement contains the names of all the creditors (name of vendor), together with their addresses, and that the amounts set opposite each of said respective names is the amount now due and owing or which shall become due and owing by (vendor) to such creditors, and that there are no creditors holding claims due or which shall become due for or on account of goods, wares, or merchandise purchased upon credit or for the purchase price of fixtures or equipment, or for services performed, or on account of money borrowed to carry on the business of which said goods, fixtures, equipment, or supplies are a part, other than as set forth in said statement and in this affidavit, that are within the personal knowledge of affiant.

Subscribed and sworn to before me this.....day of  
....., A. D. 191.....

SEC. 2. Whenever any person shall bargain for the purchase in bulk of any portion of a stock of merchandise or fixtures otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business or an entire stock of merchandise in bulk or the property, furniture, fixtures, equipment or supplies of a hotel or restaurant, barber shop or other place of business wherein the furniture, fixtures, and equipment are used in carrying

on said business, otherwise than in the regular course of trade, for cash or on credit, and shall pay any part of the price, or execute and deliver to the vendor thereof, or his agent, or to any person for his use, any promissory note or other evidence of indebtedness, or give credit, whether or not evidenced by promissory note or other evidence of indebtedness, for said purchase price or any part thereof, without at least five days previously thereto having demanded of and received from said vendor or from his agent the statement provided for in Section 1 and verified as therein provided, and without notifying also at least five days previously thereto, personally or by registered mail, every creditor as shown upon said verified statement of said proposed sale or transfer, with the price thereof, the person to whom said sale or transfer is made, and the time and conditions of payment, and without paying or seeing to it that the purchase money of the said property is applied to the payment of the bona fide claims of the creditors of the vendor as shown upon said verified statement, share and share alike, unless otherwise provided for by the statutes designating priority of payments, such sale or transfer shall be fraudulent and void, and said vendee shall be personally liable to any creditor or to all creditors of said vendor for their proportionate share of the purchase price of said business, whether the same has been paid by vendee to vendor or not.

SEC. 3. Any vendor of any portion of a stock of merchandise or fixtures otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business or an entire stock of merchandise in bulk or the property, fixtures, equipment, or supplies of a hotel or restaurant, barber shop or other business, wherein the furniture, fixtures, equipment or supplies are used in carrying on said business, or any person who is acting for or on behalf of any such vendor, who shall knowingly or wilfully make or deliver or cause to be made or delivered, a statement as provided for in Section 1 which shall not include the names of all of the creditors of such vendor, with the correct amount due and to become due to each of them, or which shall contain any false or untrue statement, shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly.

SEC. 4. If the vendor of any portion of a stock of merchandise or fixtures otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business or an entire stock of merchandise in bulk or the property, fixtures, equipment, or supplies of a hotel or



restaurant, barber shop, or other business wherein the furniture, fixtures or equipment are used in carrying on said business in bulk, produces and delivers a written waiver of the provisions of this act, from at least a majority in number and amount of his creditors, as shown by said verified statement, then in that case the provisions of this act shall not apply.

SEC. 5. Sellers, or vendors and purchasers under this title, shall include corporations, associations, co-partnerships and individuals, but nothing contained in this title shall apply to sales or transfers by executors, administrators, receivers, or assignees under a voluntary assignment for the benefit of creditors, trustees in bankruptcy or any public officer under judicial process.

SEC. 6. That Sections 3332, 3333, 3334 and 3335 of the Compiled Laws of Idaho are hereby repealed.

Approved March 12, 1919.

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## CHAPTER 111.

(S. B. No. 78.)

### AN ACT

AMENDING SECTIONS 5466 AND 5468 OF THE COMPILED LAWS, RELATING TO THE ALLOWANCE AND REJECTION OF CLAIMS AGAINST ESTATES AND THE PERIOD OF LIMITATION AFTER THE REJECTION THEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 5466 of the Compiled Laws is amended to read as follows:

“Sec. 5466. ALLOWANCE OR REJECTION OF CLAIMS. When a claim, accompanied by the affidavit required in this chapter, is presented to the executor or administrator he must indorse thereon his allowance or rejection, with the day and the date thereof. If he allows the claim, it must be presented to the probate judge for his approval, who must, in the same manner, indorse upon it his allowance or rejection. *If the executor, administrator, or judge reject the claim, or disallow any part thereof, he shall within 10 days thereafter notify the claimant, his agent, or attorney, by mail or personal notice of such rejection or disallowance.* If the claim be presented to the executor or administrator before the expiration of the time limited for the presentation of claims, the same is pre-

sented in time, though acted upon by the executor or administrator, and by the judge, after the expiration of such time.”

SEC. 2. Section 5468 of the Compiled Laws is amended to read as follows:

“Sec. 5468. Suit on rejected claim. When a claim is rejected, either by the executor or administrator, or the probate judge, the holder must bring suit in the proper court against the executor or administrator, within three months after *notice* of its rejection, if it be then due, or within two months after it becomes due, otherwise the claim is forever barred.”

SEC. 3. This amendment shall not be construed to affect any claim allowed or rejected prior to the taking effect of this Act.

Approved March 11, 1919.

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## CHAPTER 112.

(S. B. No. 87.)

### AN ACT

AMENDING SECTIONS 1942h TO 1942m INCLUSIVE OF CHAPTER 139 OF THE COMPILED LAWS, RELATING TO THE EXTERMINATION OF NOXIOUS WEEDS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 1942h of Chapter 139 of the Compiled Laws is amended to read as follows:

“Section 1942h. CREATION OF WEED EXTERMINATION AREA: ORDER. It shall be the duty of the board of county commissioners of every county in the state to *issue an order on or before the 1st day of March of each year* declaring and specifying the kind of noxious weeds that are detrimental or destructive to the agricultural interests of the county, and calling for their destruction. By such order they shall fix the \*\* manner for the destruction of such weeds, and the agricultural area within which they must be destroyed. Such order *must be complied with on or before such date as the board may fix in said order.*”

SEC. 2. Section 1942i of Chapter 139 of the Compiled Laws is amended to read as follows:

“Section 1942i. NOTICES: SERVICE AND POSTING. It shall be the duty of the county commissioners to



post in three conspicuous places in said county a copy of said order and serve said order on the owner of the said property, if an individual, or upon the superintendent or managing agent, if a corporation, association or person or joint stock company; *Provided, That in cases where neither the owner nor his or its managing agent is a resident of the county in which the land is situated may be had by publication for two consecutive weeks in some newspaper of general circulation in the county.* There shall be posted with such order a notice requiring the owner of agricultural lands within said county to exterminate all such weeds, naming them, on or before the date fixed in such order and there shall be served with said order where the same is *personally* served a notice directed to the owner of said property in the county requiring them to exterminate such weeds on or before the date fixed in said order."

SEC. 3. Section 1942j of Chapter 139 of the Compiled Laws is amended to read as follows:

"Section 1942j. DESTRUCTION OF WEEDS IN HIGHWAYS. It shall be the duty of *property owners whose lands are bordered by public highways* to proceed to destroy all noxious weeds of the kind included in the order *on the one-half of the highway nearest their land* within the time fixed by the notice provided for in Section 1942i."

SEC. 4. Section 1942k of Chapter 139 of the Compiled Laws is amended to read as follows:

"Section 1942k. ABATEMENT OF WEEDS WITHIN EXTERMINATION AREA. After the expiration of the time fixed in said *order* it shall be the duty of the board of county commissioners to proceed *at once* to destroy all such noxious weeds, *mentioned in said order, that still remain growing*, in the agricultural districts \* \* \*, and for that purpose *they shall* have the right, either by them or by their order, to enter upon the premises of another, and they shall have the right to employ such help as may be necessary to complete such work within such time as will prevent such weeds from maturing and going to seed, and the cost of such additional help, together with their own compensation, as now fixed by law, shall be *levied as a tax* against the *property or land upon which such labor is performed.*"

SEC. 5. Section 1942l of Chapter 139 of the Compiled Laws is amended to read as follows:

"Section 1942l. SAME: ASSESSMENT OF ABATEMENT COSTS AS TAX. It is the duty of the board of

county commissioners, immediately after the work required by them by this article is complete, to render to the county auditor of their county an itemized statement showing in detail total cost of destroying noxious weeds on any pieces of land, railroad or right of way in the county \* \* on which noxious weeds have been destroyed by them or under their direction, and the county auditor shall, under a proper heading, enter the same on the tax list as a charge against said land or right of way and against the owner thereof and the charge shall be collected at the same time and in the same manner as general taxes, and when collected, shall be turned into the general county fund."

SEC. 6. Section 1942m of Chapter 139 of the Compiled Laws is amended to read as follows:

"Section 1942m. DESTRUCTION OF WEEDS ON PUBLIC LANDS. If noxious weeds of any of the kinds included in the order of the board of county commissioners are growing on public lands, *or on lands owned by county or municipal organizations*, the board of county commissioners of such county shall have such weeds destroyed and the cost of *such* destruction shall be paid from the general fund of the county: \* \* \* \* \* or such municipality."

Approved March 11, 1919.

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## CHAPTER 113.

(S. B. No. 90.)

### AN ACT

REVERTING TITLE TO THE STATE OF IDAHO OF LOTS NUMBERED ONE (1), TWO (2), THREE (3), FOUR (4), SIX (6), SEVEN (7), AND EIGHT (8), OF BLOCK NUMBERED NINE (9) OF MOREHEAD'S ADDITION TO THE CITY OF WEISER, IN THE COUNTY OF WASHINGTON, STATE OF IDAHO, AND CEDING SAID LOTS TO THE SAID CITY OF WEISER ON CERTAIN CONDITIONS, FOR USE AS A MEMORIAL TO THE SOLDIER DEAD OF SAID COUNTY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That whereas, the Legislature of the State of Idaho, did by an Act entitled "An Act authorizing the Governor and Secretary of State to convey certain lots in Morehead's addition to the City of Weiser for the purpose of erecting a public building thereon, and providing condi-



tions for said transfer, and declaring an emergency," approved March 3rd, 1911, authorize and direct the Governor and Secretary of State to convey unto the County of Washington and City of Weiser, the lots numbered one (1), two (2), three (3), four (4), six (6), seven (7) and eight (8), of the block numbered nine (9) of Morehead's Addition to Weiser, in said County of Washington, upon the subsequent performance by said City or County of certain conditions in said Act set out; and whereas, neither the County of Washington or the City of Weiser has complied with any of the conditions in said Act mentioned, within the time therein stated or at any time; it is therefore declared that neither the said County of Washington or the said City of Weiser has any right, title, claim or interest in or to said lots or in or to either thereof, and the title thereto has reverted to the State of Idaho, as by said Act provided in case of breach of condition.

SEC. 2. That the said lots one (1), two (2), three (3), four (4), six (6), seven (7), and eight (8) of said block nine (9), of Morehead's Addition to the City of Weiser, in the County of Washington, State of Idaho, are hereby ceded and granted to the said City of Weiser, for the purpose of establishing thereon a permanent memorial park to the soldier dead of said Washington County, whose lives were given in the service of their country in the recent world war.

SEC. 3. That as a condition to said grant, the said City of Weiser, or appropriate societies formed for that purpose, shall within one (1) year from the date of the approval of this Act, begin the permanent improvement of said lots for the purpose aforesaid, and shall within four years from that date have the entire tract planted to trees and shrubbery, with a sufficient water supply thereon to insure their growth, and shall have begun the erection thereon of a permanent monument, on which shall be inscribed the names of the heroes to whom the memorial is dedicated.

SEC. 4. That when it shall appear to the Governor of the State of Idaho, that the lots have been improved as hereinbefore provided and the monument completed as aforesaid, he and the Secretary or State shall execute a deed of conveyance to the City of Weiser of all of the lots and parcels of land, hereinbefore in Section 2 of this Act granted, as a permanent memorial to the soldier dead of said Washington County, and the same shall be forever kept and maintained for that purpose.

SEC. 5. That in accepting the said grant, the City of

Weiser assumes all taxes and charges that may exist against said lots or either thereof for local improvements, and will save the State of Idaho harmless and free from any and all such taxes or charges.

Approved March 1, 1919.

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## CHAPTER 114.

(S. B. No. 92.)

### AN ACT

AMENDING SECTIONS 1538, 1539 AND 1540 IN CHAPTER 108 OF THE COMPILED LAWS OF IDAHO, RELATING TO INTEREST AND USURY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 1538 of Chapter 108 of the Compiled Laws is amended to read as follows:

“Section 1538. MAXIMUM RATE OF INTEREST. Parties may agree in writing for the payment of any rate of interest, on money due or to become due on any contract, not to exceed the sum of 10 per cent per annum; any judgment rendered on such contract shall bear interest at the rate of 7 per cent per annum until satisfied.”

SEC. 2. Section 1539 of Chapter 108 of the Compiled Laws is amended to read as follows:

“Section 1539. COMPOUND INTEREST. *Parties may agree in writing for the payment of compound interest, if the rate of interest on interest does not exceed the maximum allowed by Section 1538 and the aggregate of the interest and compound interest does not exceed such maximum rate on the principal; and subject to the power of a court to afford relief from contracts usurious by reason of fraud or duress or otherwise, and to allow the recovery of usury already paid.*”

SEC. 3. Section 1540 of Chapter 108 of the Compound Laws of Idaho is amended to read as follows:

“Section 1540. USURY. *The taking, receiving, reserving, or charging a rate of interest greater than is allowed by this Chapter, when knowingly done, shall be deemed a forfeiture of the entire interest which the contract carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may*



*recover back, the amount of the interest thus paid from the person taking or receiving the same. No indorsee in due course of negotiable paper, is affected by any usury exacted by any former holder of such paper unless he have actual notice of the usury previous to his purchase \* \* \**

Approved March 12, 1919.

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## CHAPTER 115.

(S. B. No. 95.)

### AN ACT

AMENDING ARTICLE 1 OF CHAPTER 129 OF THE COMPILED LAWS BY AMENDING SECTION 2 THEREOF AND BY ADDING THERETO A NEW SECTION DENOMINATED 6a, RELATING TO THE FORECLOSURE ON LANDS UNDER CAREY ACT SYSTEMS FOR MAINTENANCE CHARGES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 2 of Chapter 129 of the Compiled Laws is amended to read as follows:

"129:2. MAINTENANCE CHARGES: RIGHT TO COLLECT: BASIS OF ASSESSMENT. Every company, corporation or association of persons operating, in whole or in part, irrigation works constructed or used for the purpose of furnishing water to or reclaiming in whole or in part, any land granted, segregated or set apart by the United States to the State of Idaho, or to which title has passed from the United States to the state or settler, under the provisions of the Act of Congress, commonly called the Carey Act, entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, A. D. 1894, or the amendments and supplements thereof, shall have the right to levy and collect from the holders or owners of all land to which the water and water rights belonging to or diverted by said irrigation works *are* dedicated or appurtenant, regardless of whether water is used by such owner or holder, or on or for his land; and also from the holders or owners of all other land *who have contracted with such company, corporation or association of persons to furnish water on such lands, regardless of whether such water is used or not* from said irrigation works, reasonable tolls, assessments and charges for the purpose of maintaining and operating such irrigation works and con-

ducting the business of such company, corporation or association and meeting the obligations thereof, which tolls, assessments and charges shall be equally and ratably levied and may be based upon the number of shares or water rights held or owned by the owner of such land as appurtenant thereto or may be based upon the amount of water used; and such company, corporation or association of persons shall have a first and prior lien, except as to the lien of taxes, upon the land to which such water and water rights are appurtenant, or upon which it is used, said lien to be perfected, maintained and foreclosed in the manner herein provided."

SEC. 2. Section 6a of Chapter 129 of the Compiled Laws is hereby added to read as follows:

*"129:6a. In the event that the owner or holder or occupant of the premises upon which water has been purchased or contracted for, has not, at the time of the filing of the claim of lien provided for in Section 4 of this Chapter, received title to the premises so occupied or held by him, and liens are filed as provided for in this act, that the proceedings for foreclosure herein provided for shall relate only to the said water or water rights and that the said water or water rights shall be sold in like manner as if title to the premises had been acquired by the holder or occupant of said land, or the owner or holder of the said water right or water appurtenant to said land."*

Approved March 11, 1919.

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## CHAPTER 116.

(S. B. No. 98.)

### AN ACT

PROVIDING FOR THE REVISING OF THE STATE BRAND BOOK, PROVIDING FUNDS THEREFOR AND AMENDING SECTION 1233.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. For Revising Brand Laws; All Brands Assessed \$1.00. For the purpose of revising and disencumbering the brand records of unused brands and for providing funds with which to publish new brand books and otherwise assist in carrying out the provisions of this Act, an assessment shall be made of \$1.00 on each brand now on record in the office of the State Brand Recorder. Im-



mediately upon this Act becoming effective it shall be the duty of the State Brand Recorder to notify each owner of a brand now on record, through the United States Mail by registered letter addressed to the said owner, to postoffice as given in the brand records, of such assessment, and said assessment shall be due and payable within sixty days after the passage of this Act, and if any owner of a brand now on record shall fail or refuse to pay such assessment within one year, such brand will be declared null and void.

SEC. 2. Must Renew Brands. Every owner of a brand recorded must, five years after date of recording, renew said brand by making application for renewal in the office of the State Brand Recorder. The fee for renewal will be 50c, and if any owner of a brand shall fail or refuse to make renewal within thirty days after same becomes due, such brand shall no longer be carried on the record.

SEC. 3. Brand Book (Amending Section. 1233). It shall be the duty of the State Brand Recorder from time to time as it may be necessary, to cause to be published in book form a list of all brands on record at the time of the publication. The State Brand Recorder may at his discretion cause to be issued a supplement to the brand book heretofore issued, containing the additional brands or changes in ownership of brands between the time of the last publication and the time of issuing such supplement. Such brand book shall contain the facsimile of all brands recorded together with the owners' names and postoffice addresses. Said records shall be arranged in convenient form for reference. It shall be the duty of the State Brand Recorder to furnish free of charge to each County Auditor and Recorder one copy of said brand book or supplement, in whose office it shall be kept open for inspection by all persons. Said books and supplements may be sold to the general public at a price to be determined by the Live Stock Sanitary Board.

Approved March 8, 1919.

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## CHAPTER 117.

(S. B. No. 104.)

### AN ACT

TO AMEND SECTION 152:43 COMPILED LAWS OF THE STATE OF IDAHO BY AUTHORIZING MUNICIPALITIES TO SUPPLY EXCESS WATER, LIGHT AND POWER, OR EITHER,

TO PERSONS WITHOUT THE LIMITS OF THE MUNICIPALITY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 152:43 of the Compiled Laws of the State of Idaho is hereby amended to read as follows:

Section 152:43. Acquire by purchase, or otherwise, waterworks systems or plants, and also light and power plants, and construct, enlarge, extend, repair, alter and improve such plants or either of them, and to supply the municipality and the inhabitants thereof with water, light and power, or either, and to charge private persons and corporations therefor; to supply any excess *water*, light and power, or either, to persons (including municipal and private corporations) without the limits of the municipality, and to charge therefor; but all such charges, rates or revenues shall be reasonable and shall be uniform and equal to all alike and based upon the service supply proportionately, without discrimination in favor or against any person or persons whatsoever.

Approved March 11, 1919.

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## CHAPTER 118.

(S. B. No. 107.)

### AN ACT

PROVIDING FOR APPROPRIATION OF WATER IN THIS STATE FOR BENEFICIAL USE IN THE STATE OF WYOMING WHEN THE LAWS OF THE LATTER STATE GIVE LIKE FORCE AND EFFECT TO APPROPRIATION OF WATER IN THAT STATE FOR BENEFICIAL USE IN THE STATE OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The State Engineer shall, under the laws of this State, allow the appropriation of water in this State for beneficial use in the State of Wyoming only when, under the laws of the latter, water may be lawfully diverted therein for beneficial use in the State of Idaho. Upon any stream flowing across the State boundary a right of appropriation, having the point of diversion and the place of use in the State of Wyoming and recognized by the laws of that State, shall have the same force and effect as if the point of diversion and the place of use were in this



State, PROVIDED, That the laws of that State give like force and effect to similar rights acquired in this State.

Approved March 11, 1919.

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## CHAPTER 119.

(S. B. No. 109.)

### AN ACT

AMENDING SECTION 91 OF CHAPTER 220 OF THE COMPILED LAWS, ALLOWING LIFE INSURANCE COMPANIES TO DEDUCT PREMIUMS REFUNDED TO POLICY HOLDERS FROM THE AMOUNT ON WHICH THEIR LICENSE TAX IS COMPUTED.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 91 of Chapter 220 of the Compiled Laws is amended to read as follows:

“220:91. ANNUAL STATEMENT AND TAX OF OTHER COMPANIES. All insurance companies licensed to transact business in this State in one or more of classes 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of Article 2 of this Chapter shall file with the Insurance Commissioner annually on or before the 1st day of March of each year, a statement, under oath, showing the amount of all gross premiums received by said company in this State during the year ending December 31 next preceding, and shall pay to the insurance commissioner a tax of 2 per cent on all such gross premiums collected. *Provided, However, That companies licensed to transact business in class 3 may in computing the gross premiums deduct the amount of refunds, dividends and coupons paid policy holders in the nature of return premiums.*”

Approved March 17, 1919.

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## CHAPTER 120.

(S. B. No. 111.)

### AN ACT

AMENDING SECTION 2438 OF THE COMPILED LAWS OF IDAHO PROVIDING FOR THE CONSOLIDATION OF IRRIGATION DISTRICTS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 2438 of the Compiled Laws of Idaho is amended to read as follows:

"2438. Whenever the boards of directors of any two or more irrigation districts which are contiguous deem it for the best interests of their respective districts that the same be consolidated into a single district, such boards of directors may petition the board of county commissioners for an order for an election, to vote upon the question of such consolidation, which petition shall state in detail the terms upon which such consolidation is proposed to be made: *Provided, however, when any two irrigation districts which are contiguous, where one district does not embrace more than one-tenth the land in the larger district, and the board of directors deem it for the best interests of the respective districts that the same be consolidated into a single district, the board of directors may arrange by contract upon what terms and conditions the smaller district may be consolidated with the larger district, with the name and officers of the larger district still retained, which contract shall be submitted to the board of directors of the smaller district, together with the question of whether or not said districts shall be consolidated under the terms of the agreement, at a special election held for that purpose in such smaller district. Notice of such election shall be published as required for notices of election for indebtedness. That at such election should two-thirds of the electors voting, vote in favor of said contract and the consolidation of said districts, the board of directors of the smaller district shall petition the board of directors of the larger district, which notice shall be published in a newspaper published within the county wherein the office of the board of directors of the larger district is situated, for such length of time and covering the same matters as required by a petition of a private owner of land to have same included within the boundaries of an irrigation district. The law applicable to the inclusion of land within the boundaries of an irrigation district, after the petition is filed and notice given, shall apply to the consolidating, including and annexing of a smaller district in and to the boundaries of a larger district. After the board of directors of the larger district has made the order including said smaller district within the boundaries of the larger district, the board of directors of the larger district shall file a petition in the district court within the county wherein the principal office of the larger district is situated, asking for an approval and confirmation of the*



*proceedings thereunder, and the same procedure shall be followed as provided by section 2401 and 2402 and 2403 of the Compiled Laws of Idaho with reference to the confirmation of the proceedings within irrigation districts. In such petition the prayer shall be that the proceedings, together with the contract, may be examined and approved by the court; that after the confirmation of said proceedings the order of the board of directors admitting the smaller district into the larger district, containing a description of all the land properly certified by the secretary of the district, shall be filed for record in the office of the recorder of the county within which said land lies."*

Approved March 11, 1919.

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## CHAPTER 121.

(S. B. No. 118.)

### AN ACT

CREATING A BUREAU OF CHILD HYGIENE IN THE DEPARTMENT OF PUBLIC WELFARE, AND DEFINING THE DUTIES OF THE SAME.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby created in the Department of Public Welfare a bureau to be known as the division of child hygiene, to be under the general supervision and direction of the department, the director of which bureau shall be the commissioner of the public welfare, or some woman, if any there be, in that department.

SEC. 2. The general duties of the bureau of child hygiene shall include the issuance of educational literature on the care of the baby and the hygiene of the child, the study of the causes of infant mortality and the application of preventative measures for the prevention and suppression of the diseases of infancy and early childhood, and such other duties as are prescribed by the department.

Approved March 11, 1919.

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## CHAPTER 122.

(S. B. No. 119.)

### AN ACT

REPEALING SECTIONS 1 TO 44, BOTH INCLUSIVE, OF CHAP-

TER 27, AND SECTIONS 382 TO 392, BOTH INCLUSIVE, OF THE POLITICAL CODE OF THE COMPILED LAWS OF IDAHO RELATING TO PRIMARY ELECTIONS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Sections 1 to 44, both inclusive, of Chapter 27, and Sections 382 to 392, both inclusive, of the Political Code of the Compiled Laws of Idaho, relating to Primary Elections are hereby repealed.

Approved March 11, 1919.

## CHAPTER 123.

(S. B. No. 121.)

### AN ACT

TO AMEND SECTIONS 125 AND 126 OF THE COMPILED LAWS RELATING TO THE DUTIES OF THE STATE AUDITOR AND THE STATE TREASURER, TO ADD THERETO A NEW SECTION TO BE KNOWN AS SECTION 127 OF THE COMPILED LAWS, REQUIRING THE STATE TREASURER TO POST NOTICES OF HIS READINESS TO PAY CERTAIN WARRANTS, REPEALING SECTION 124 OF THE COMPILED LAWS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 125 of the Compiled Laws be amended to read as follows:

"Section 125. \* \* \* \* \* All warrants upon funds the balance in which is insufficient to pay them must be turned over to the state treasurer by the state auditor to have noted thereon before delivery to the payee "presented and not paid for want of funds," and \* \* \* notation to be dated and signed by the treasurer, and \* \* warrant so signed shall draw interest at the rate of six per cent per annum from date until called. It is the duty of the state treasurer to keep a register of \* \* all warrants \* \* \* \* \* not paid for want of funds, \* \* \* \* \* in which register such warrants shall be listed in numerical order, and when paid the treasurer shall note on such register the amount of interest paid and the date of payment: PROVIDED, however, that the state board of examiners shall have the authority to waive the provisions of this Section should it appear that money sufficient to pay warrants will, within 30 days, be available in the funds upon which such war-



*rants are drawn, and may, by written order, authorize the treasurer to take up such warrants and hold the same to be paid out of the funds when the money in such funds becomes available.*

SEC. 2. Section 126 of the Compiled Laws be amended to read as follows:

“Section 126. If the state treasurer wilfully and unlawfully refuses to pay any warrant lawfully drawn upon the treasury, he forfeits and must pay fourfold the amount, to be recovered by action against the treasurer and his sureties on his official bond or otherwise: PROVIDED, *That all outstanding warrants and treasurer's checks for which funds have been available and which would have been paid if presented prior to the first day of January, 1917, are hereby cancelled: And, PROVIDED FURTHER, That on the first day of January of each year hereafter all warrants and treasurer's checks, which would have been paid if presented, which have been outstanding for a period of two years or more are void. On all such cancelled or void warrants or treasurer's checks the state treasurer is required to refuse payment and he must plainly mark across the face of every such warrant or treasurer's check presented to him for payment the words “not paid, time of redemption expired,” and in figures must show over his official signature the total amount of the warrant or check due, including the accrued interest, if any. Said warrant, or check is a valid claim against the state for the amount shown by the treasurer if surrendered to the state board of examiners to be passed upon and allowed.*

SEC. 3. A new section be added to the Compiled Laws, to be known as Section 127, which section is as follows:

“Section 127. Whenever there is an amount to the credit of any state fund as shown by the books of the state treasurer, sufficient to pay the warrant or warrants next entitled to payment therefrom, the state treasurer shall immediately post at the door of his office a notice that such warrant or warrants will be paid on presentation, stating therein the number and series of any such warrant or warrants and fund or funds upon which drawn. Interest on said warrants shall cease 10 days after date of said notice.

SEC. 4. Section 124 of the Compiled Laws is hereby repealed.

Approved March 17, 1919.

**CHAPTER 124.**

(S. B. No. 124.)

**AN ACT**

MAKING AN APPROPRIATION FOR THE PURCHASE OF ADDITIONAL GROUNDS FOR THE IDAHO TECHNICAL INSTITUTE.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to be available until expended, the sum of \$30,000 to be expended under the direction of the State Board of Education in the purchase of additional lands for the Idaho Technical Institute.

Approved March 12, 1919.

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**CHAPTER 125.**

(S. B. No. 132.)

**AN ACT**

TO AMEND SECTION 1987, CHAPTER 140, OF THE COMPILED LAWS, CHANGING THE AMOUNT OF BOND REQUIRED TO BE GIVEN BY COUNTY TREASURERS AND TAX COLLECTORS AND PROVIDING FOR BONDS OF LICENSE COLLECTORS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That section 1987 of the Chapter 140 of the Compiled Laws be and the same is hereby amended to read as follows:

Section 1987. BONDS OF OFFICERS: AMOUNT OF PENALTY. County, district and precinct officers must execute official bonds in the following amounts:

- (1) County Commissioners each in the sum of \$5000.
- (2) Probate Judges each in the sum of \$5000.
- (3) County Treasurers each in double the probable amount of money that may at any time come into his hands as such treasurer, to be fixed by the board of county commissioners, *Provided: If surety bond be given as provided in Section 204, Chapter 220 of the Compiled Laws, the bond need not exceed 25% of the probable amount that may be at*



*hand at any one time, but in no case to be less than \$10,000.*

(4) Sheriffs each in the sum of \$10,000.

(5) Clerks of the district court each in the penal sum of \$5000, with two sufficient sureties, to be approved by the judge of the district, conditioned that he will faithfully perform the duties of his office and at all times account for and pay over all moneys in his hands as clerk; and the penalty of such bond may at any time be increased by the judge of the district. The clerk may require a bond from any deputy.

(6) County recorders each in the sum of not less than \$5000 nor more than \$20,000, to be fixed by the board of county commissioners, and to cover his duties and liabilities as recorder, auditor and clerk of the board of county commissioners.

(7) Assessors each in the sum of \$5000.

(8) Tax collectors *and License Collectors* each in the sum of not less than \$2000 nor more than \$50,000, to be fixed by the board of county commissioners.

(9) Prosecuting attorneys each in the sum of \$2000.

(10) County superintendents of public instruction each in the sum of \$2000.

(11) County surveyors each in the sum of \$2000, and with at least two sureties for the faithful and impartial performance of his duties.

(12) Coroners each in the sum of \$1000.

(13) Public administrators each in the sum of \$2000.

(14) Justices of the peace and constables, each in the sum of not less than \$500 nor more than \$1000.

Approved March 14, 1919.

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## CHAPTER 126.

(S. B. No. 143.)

### AN ACT

AUTHORIZING COUNTIES AND CITIES OF THE FIRST CLASS, OR A CITY ACTING UNDER A SPECIAL CHARTER, TO ACQUIRE AND OWN A SITE OR SITES, AND JOINTLY TO CONSTRUCT PUBLIC BUILDINGS THEREON; AND AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF SUCH COUNTY AND THE GOVERNING BODY OF

SUCH CITY TO ENTER INTO CONTRACTS OR AGREEMENTS WITH RESPECT THERETO AND ALSO AS BETWEEN SUCH COUNTY AND CITY, APPORTIONING THE EXPENSE INCURRED HEREUNDER AND IN THE OPERATION AND THE MAINTENANCE OF SUCH BUILDING OR BUILDINGS; AND FURTHER AUTHORIZING SUCH COUNTIES AND CITIES OPERATING UNDER THIS ACT TO INCUR INDEBTEDNESS AND ISSUE BONDS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Any county and a city of the first class, or a city acting under special charter, situated within such county, and being the county seat thereof, are hereby authorized and empowered to acquire and own a site or sites within the limits of such city and jointly to construct public buildings thereon, to be jointly owned and used by such county and city; or one of such municipalities may purchase an interest in a site already owned by the other and they may then jointly construct public buildings thereon.

SEC. 2. That the Board of County Commissioners of such county and the city council or other governing body of such city, are hereby authorized and empowered to enter into all necessary contracts or agreements with respect thereto and also all necessary contracts and agreements as between such county and city for apportioning the expenses of acquiring such site and constructing such buildings and for the maintenance, operation and use thereof, and may from time to time modify or change such agreements as they may deem best.

SEC. 3. Counties and cities operating under this act, are hereby authorized and empowered to incur indebtedness and issue bonds for any of the purposes authorized hereby in the same manner in which they are now or hereafter may be authorized by law to incur indebtedness and issue bonds for similar purposes.

Approved March 17, 1919.

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## CHAPTER 127.

(S. B. No. 145.)

### AN ACT

TO REGULATE ATHLETIC EXHIBITIONS IN THE STATE;  
PROVIDE FOR A LICENSE FEE AND PLACING THE  
POWER OF DIRECTION IN THE HANDS OF THE DE-



PARTMENT OF LAW ENFORCEMENT, AND PROVIDING  
PENALTIES FOR THE VIOLATION HEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is hereby created a State Commission to be known as "State Athletic Commission," composed of three (3) members appointed by the Governor, and to be under the direction of the department of Law Enforcement.

SEC. 2. Such Commission shall have and exercise the powers, and perform the duties, provided in this act, and that may be hereafter assigned to it by law.

SEC. 3. The Commission shall have an office at the residence city of the Chairman of the Commission. The expense of furnishing and maintaining said office and hiring of office help shall be paid out of the fund created by the fees received under the provisions of this act.

SEC. 4. The chairman of such Commission shall be elected by its members and they may employ a secretary to be paid out of the fees of the office. All expenses of the commission and its employees shall be paid out of the fee collected by this act.

SEC. 5. Members of the State Athletic Commission shall adopt a seal for the Commission and make such rules and regulations for the administration of their office not inconsistent herewith as they may deem expedient, and may from time to time amend or abrogate the same.

SEC. 6. It shall be the duty of the chairman to keep a full and true record of all proceedings of the State Athletic Commission, preserve at its general office all its books, documents and papers, prepare for service such notices and other papers as may be required of him by the Commission, and perform such other duties as the Commission may prescribe.

SEC. 7. The State Athletic Commission shall have, and it is hereby vested with, the sole direction, management, control and jurisdiction over all boxing, sparring and wrestling matches and exhibitions to be conducted, held or given within the State by any Club, corporation or association, and no boxing, wrestling or sparring matches or exhibitions shall be conducted, held or given within the State for admission charges, except pursuant to authority therefor granted by the Commission and in accordance with the provisions of this act and the rules and regulations of the

Commission. The Commission may at its discretion issue, and for cause revoke a license to conduct, hold or give boxing, sparring and wrestling matches and exhibitions to any incorporation, club or association as hereinafter provided. The Commission shall have full power and authority to limit the number of sparring or boxing exhibitions to be held or given by any club, organization or corporation in any city in this state wherein such boxing contests are conducted in the manner herein provided.

No boxing, wrestling or sparring exhibitions shall be conducted by any club, organization or corporation having a license to conduct sparring, wrestling or boxing exhibitions in this state except by the sanction or a permit from the State Athletic Commission. No license shall be issued by the Commission to any club, corporation or association to conduct boxing, wrestling or sparring exhibitions as herein provided for, in any city of the second, third or fourth class, where such city shall by ordinance or resolution has prohibited the conducting of boxing, wrestling or sparring exhibitions in such cities.

SEC. 8. No boxing, wrestling or sparring exhibitions shall be conducted by any club or organization except by license issued to such club or organization by the State Athletic Commission of Idaho, and no club or organization shall be entitled to receive a state license unless it has been incorporated under the laws of the State of Idaho; and provided further, that the membership of such club shall be limited to persons who have been continuous residents in the State at least one year. The application for a license, as herein provided for, shall be in writing and shall be addressed to the State Athletic Commission of the State of Idaho, and shall be verified by some officer of the club, organization, or corporation on whose behalf the application may be made. Such application shall be accompanied by a fee of One Hundred Dollars. All licenses shall expire June 1st, following their issuance. Before any such permit or license is granted to any club, organization or corporation, after it shall have filed its application as herein provided for, such applicant must file a bond in the sum of Five Thousand Dollars, with good and sufficient sureties, with the State Treasurer, conditioned for the payment of the fee herein imposed. The fee of One Hundred Dollars above specified shall be paid to the State Treasurer to be used for expenses incurred under this Act.

SEC. 9. Every club, corporation or association, which may hold or exercise any of the privileges conferred by



this act shall, within twenty-four hours after the determination of their contest, furnish to the said commission a written report, duly verified by one of its officers, showing the number of tickets sold for such contest, the amount of gross proceeds thereof, and such other matters as the Commission may prescribe, and shall also, within said time pay to the said Commission a fee of ten per cent of its total receipts from the sale of tickets of admission to such boxing, wrestling or sparring match or exhibition, which ten per cent shall be paid by said Commission to the State Treasurer to be used for expenses incurred under this Act.

SEC. 10. Whenever amateur boxing, wrestling or sparring matches or exhibitions are held under the auspices or sanction of any Amateur Athletic Union, any Young Men's Christian Association, or any Knights of Columbus organization, the license fee necessary under this act shall not be required of said organization. Such matches and exhibitions shall, however, be subject to all the other provisions of this act and the rules and regulations of the Commission.

SEC. 11. The members of the Commission shall each receive from the chairman a card authorizing him to act as inspector wherever the Commission may designate him to act. The Commission may, and one member shall, be present at all exhibitions and matches and see that the rules are strictly observed and a member or someone delegated by the chairman shall also be present at the counting up of the gross receipts and shall immediately mail to the chairman the official box office statement received by him from the officers of the club.

SEC. 12. (a) No boxing, wrestling or sparring match or exhibition shall be held on Sunday. (b) No boxing or sparring exhibition shall be of more than twenty rounds duration, and no one round of such exhibition shall be permitted to extend for a longer period than three minutes. (c) There shall be at least one minute intermission between each round. (d) No contestant shall be permitted in any such boxing or sparring exhibition to wear gloves weighing less than four (4) ounces for contestants. (e) No contestant under the age of eighteen (18) years shall be permitted to be the principal in any match. (f) No bet or wagering at any boxing, wrestling or sparring contest shall be permitted by any club or organization before, after or during any such contest in the building where such contest is held. (g) Contestants shall break clean and must not hold and hit. Butting with head or shoulder, wrestling or illegal

use of elbow shall not be allowed in boxing matches. There shall be no unsportsmanlike conduct on the part of the contestants. This shall include the use of abusive or insulting language. (h) No person under the age of sixteen (16) years shall be admitted to a boxing, wrestling or sparring exhibition unless accompanied by his parents or guardian. (i) Each contestant must be examined prior to entering a contest by a physician, who has been licensed to practice in Idaho for not less than five years. The physician shall certify in writing over his signature as to the contestants' physical condition to engage in such contest. (j) The Commission shall appoint an umpire and two judges for every contest or exhibition held under this act. Said judges and umpire so appointed shall render judgment as to the merits of each contestant after each contest or exhibition. The judges and umpire shall make a report of their judgment as to the merits of the contestants to the State Athletic Commission. The judges and umpire appointed by the Commission shall receive as compensation a sum designated by the Commission, which shall be paid to them by the club, organization or corporation holding such contest, and which sum shall in no event exceed the actual expenses incurred by said umpire and judges in attending such exhibition.

SEC. 13. Any club, corporation or organization, which shall conduct, hold, give or participate in any sham or fake boxing, wrestling or sparring match, shall thereby forfeit its license in accordance with the provisions of this section which shall thereupon be by the Commission cancelled and declared void; and it shall not thereafter be entitled to receive another such, or any license pursuant to the provisions of this section.

SEC. 14. Any contestant who shall participate in any sham or fake boxing, wrestling or sparring match or violate any rule or regulation of the Commission shall be penalized in the following manner: For the first offense he shall be restrained by order of the Commission for a period of not less than three months, nor more than one year, in the discretion of the Commission (such period to begin immediately after the occurrence of such offense) from participating in any contest to be held or given by any club or corporation, duly licensed to give or hold such boxing, wrestling or sparring match or exhibition; for a second offense, he shall be totally disqualified from further admission or participation in any contest, held or given by any club, cor-



poration or association, duly licensed for such purpose in this State.

SEC. 15. Whenever any club, corporation or association shall fail to make a report of any contest at the time prescribed by this section, or whenever such report is unsatisfactory to the Commission, the secretary may examine or cause to be examined the books and records of such club, corporation or association, and subpoena and examine under oath its officers and other person or persons for witnesses for the purpose of determining the total amount of its gross receipts for any contest and the amount of fees due pursuant to the provisions of this act, which fee he may, upon and as a result of such examination, fix and determine. In case of a default in the payment of any fee so adjudged to be due, together with the expenses incurred in making such examination for a period of twenty days after notice to such delinquent club, corporation or association, shall ipso facto forfeit its license and shall be thereby disqualified from receiving any new license, or any renewal of its license; and it shall in addition forfeit to the people of the State of Idaho the sum of One Thousand Dollars, which may be recovered by the Attorney General in the name of the people of the State of Idaho in the same manner as other penalties are by law recovered.

SEC. 16. The members of the commission shall receive actual and necessary traveling expenses incurred in the discharge of their official duties, and \$10.00 per diem when in actual pursuit of duty, which shall be paid out of the funds created by the fees received under the provisions of this act not otherwise appropriated, on the certificate of the Chairman of the Commission. Such certificates shall be presented to the State Auditor, who shall thereupon draw upon the State Treasurer for the amount thereof.

SEC. 17. A boxing, wrestling or sparring match or exhibition as conducted under the provisions of this act shall not be considered a prize fight, a fight, an affray, a box at fisticuffs, or a misdemeanor.

SEC. 18. It shall be the duty of the Chairman of said commission, or in his absence the umpire of any such athletic contest, to immediately stop such exhibition upon the manifestation of any brutality, fraud, deceit or collusion on the part of any such contestants.

Approved March 6, 1919.

**CHAPTER 128.**

(S. B. No. 147.)

**AN ACT**

IMPOSING UPON THE DEPARTMENT OF PUBLIC WORKS THE POWER TO PURCHASE ALL SUPPLIES FOR THE STATE DEPARTMENTS AND ALL CHARITABLE, EDUCATIONAL, PENAL AND REFORMATORY INSTITUTIONS, PRESCRIBING A PENALTY FOR INTERFERENCE WITH INSPECTION OF PROPERTY OF SUCH DEPARTMENTS AND INSTITUTIONS BY THE DEPARTMENT OF PUBLIC WORKS, PROVIDING FOR BOOKS AND ACCOUNTS TO BE KEPT BY THE DEPARTMENT WITH THE STATE DEPARTMENTS AND INSTITUTIONS, PROVIDING FOR AN INVENTORY OF PROPERTY OF DEPARTMENTS AND INSTITUTIONS, MAKING COMMISSIONERS OF DEPARTMENTS AND HEADS OF INSTITUTIONS RESPONSIBLE FOR PROPERTY THEREOF, PROVIDING FOR THE SUBMISSION OF PROPOSALS FOR FURNISHING SUPPLIES, GIVING DETAILED SPECIFICATIONS AS TO SAME, REGULATING CONTRACTS TO BE MADE, PROVIDING FOR ARTICLES WHICH CAN BE PURCHASED WITHOUT PROPOSALS, DECLARING FOR IMPARTIALITY IN THE AWARD OF CONTRACTS, REQUIRING RECORDS TO BE KEPT OF ALL BIDS MADE, PROHIBITING THE TRANSFER OF CONTRACTS, PROHIBITING STATE OFFICERS AND EMPLOYEES FROM BEING INTERESTED IN SAID CONTRACTS AND MAKING SUCH INTEREST A CRIME, MAKING CONTRACTS MADE IN VIOLATION OF THIS ACT VOID, PRESCRIBING A PENALTY FOR PARTIALITY OR FAVORITISM IN AWARD. AMENDING SECTION 759 OF CHAPTER 48 AND SECTION 14 OF CHAPTER 49, AND REPEALING SECTION 9 OF CHAPTER 49 AND SECTIONS 863 TO 866 INCLUSIVE OF COMPILED LAWS OF IDAHO AND ALL OTHER LEGISLATION INCONSISTENT HEREWITH.

PREAMBLE. THE PURPOSE OF THIS ACT IS TO SECURE THE ORDERLY AND ECONOMICAL ADMINISTRATION OF THE BUSINESS AFFAIRS OF THE VARIOUS STATE DEPARTMENTS AND INSTITUTIONS, PUBLICITY AND FAIRNESS IN AWARDED CONTRACTS FOR ALL SUPPLIES AND THE KEEPING OF ACCURATE COST ACCOUNTS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. DUTIES OF DEPARTMENT OF PUBLIC



WORKS. The department of public works (hereinafter called the department) shall have power:

1. To make contracts for and superintend the telegraph and telephone service for the several state departments.

2. To purchase and supply all fuel, light, water and other like office and building services for the several state departments.

3. To procure and supply all furniture, general office equipment and general office supplies (other than blanks, etc., distributed through the state auditor's office) needed by the several state departments.

4. To procure and supply all clothing, instruments and apparatus, subsistence and provisions with the exception of fresh fruits and vegetables (other than potatoes) for the charitable, educational, penal and reformatory institutions of the state.

5. To procure and supply all cots, beds, bedding, general room and cell equipment, table, kitchen and laundry equipment, agricultural implements, harness, stable and garage supplies, household supplies, periodicals, machinery and tools, medicines and medical supplies, plumbing, light and engine supplies, wagons and other vehicles and workshop supplies needed by the various charitable, educational, penal and reformatory institutions of the state.

6. To purchase and supply all necessary tools, machinery, supplies and materials to be used by the state in or about constructing or maintaining state highways.

7. To purchase and supply any other supplies and equipment not above enumerated, required by the state departments, charitable, educational, penal and reformatory institutions.

SEC. 2. INTERFERENCE. The stores, furnishing and property of all kinds used in said departments and institutions shall be subject at all times to the inspection and examination of the department of public works and any officer or employee of any of said departments or institutions who shall in any manner interfere or obstruct said department, in making such examination or investigation shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in a sum not less than \$10 nor more than \$100.

SEC. 3. BOOKS AND ACCOUNTS. The department shall keep a complete system of books and accounts with each state department and institution, which shall show

each appropriation made by the legislature for the support of said department or institution, every expenditure made on behalf of it, and every contract for supplies or other purposes made by said department, which books and records so far as same relate to contracts for supplies, shall be open to public inspection.

SEC. 4. INVENTORY. It shall be the duty of the department upon the taking effect of this act, to cause a full and complete inventory to be taken and made of all property belonging to the state and used in and about the state departments and institutions. The said inventory shall be in detail, and an estimate made of the value of each item, a record of which shall be kept by the several departments and institutions and also at the office of the department of public works.

SEC. 5. RESPONSIBILITY. The commissioners of departments and superintendents of other executive officers of state institutions shall be charged with all the items of said inventory, and shall be responsible therefor and for all future purchases, and shall be credited with all items worn out, lost, injured or destroyed without fault on their part. Itemized statements of this account shall be furnished the department monthly by the state institutions and quarterly by the state departments. The commissioners and superintendents or executive officers of institutions shall be responsible for items they cannot account for under the provisions of this act.

SEC. 6. ADVERTISEMENTS FOR BIDS. The department in making purchase of all supplies and equipment necessary for the departments and institutions enumerated in Section 1 of this act may advertise, as hereinafter provided, and award contracts in the name of the State of Idaho for such supplies and equipment to the lowest responsible bidder.

SEC. 7. PROPOSALS. The commissioners of departments and superintendents of state institutions shall tabulate in detail the amount of supplies on hand and the additional supplies needed. The department shall make an examination of the amount of supplies on hand, and shall determine from such examination and from the statement of the commissioners and superintendents the additional amount of supplies necessary and shall make an itemized statement thereof. It shall thereupon give notice in one or more newspapers of general circulation for at least 10 days that sealed proposals will be received by the department, up to a time to be mentioned therein, for furnishing



supplies for such departments and institutions; which notice shall also state that detailed statements of supplies to be furnished on file at the office of the department and subject to inspection, and shall also specify that at a certain time, to be therein mentioned, said proposals will be opened, and contracts awarded to the lowest responsible bidder. Each proposal shall be accompanied by sample supplies proposed to be furnished, ample in quantity, to be divided, a part thereof to be kept in the office at the capital, and a part thereof, in case of award, to be sent to the superintendent of the institution for which the supplies are to be furnished. The proposals shall be in writing, sealed and marked "Proposals for furnishing supplies," and shall be addressed to the Department of Public Works, Boise, Idaho. At the time mentioned in the said notice said proposals shall be opened, in public, and contracts awarded to the lowest responsible bidder. The department shall have the right to reject any and all bids. If all of such proposals shall be rejected, proposals shall again be invited and proceeded with in the same manner.

All proposals must be accompanied by a certified check on some responsible bank, payable to the treasurer of the State of Idaho, equal in amount to 5 per cent of the sum of such proposal, as a guarantee for the faithful performance of any contract awarded. In case no award is made to the party the check shall be returned to him when a contract has been duly signed and bond approved. All proposals shall include the delivery of the supplies to the departments and institutions for which they are purchased.

SEC. 8. CONTRACTS. No contracts shall be made for a longer period than one year and such contract shall provide for the delivery of such articles at such times and in such quantities as the department may determine.

SEC. 9. ARTICLES PURCHASED WITHOUT PROPOSALS. Fresh fruits and vegetables (other than potatoes) shall not be included in the supplies to be purchased as hereinbefore provided. The department may allow, under proper rules, regulations and instructions, the superintendent of each of the various state institutions to purchase the fresh fruits and vegetables therefor, and make other and minor purchases for the same; an itemized account to be kept of all such purchases and furnished to the department.

Likewise when immediate delivery of articles or performance of service is required by the public exigencies, the articles or service so required may be procured by open pur-

chase or contract at the place and in the manner in which such articles are usually bought and sold or such services engaged between individuals, but under the direction of the department.

SEC. 10. IMPARTIALITY IN AWARD OF CONTRACTS. The department shall have no right to show any partiality or favoritism in making such awards or contracts, but shall be absolutely fair and impartial: *Provided*, That where both the bids and quality of goods offered are the same, preference shall be given to articles of local and domestic production and manufacture.

SEC. 11. RECORD OF BIDS. The department shall have recorded in a book kept for that purpose, a true and faithful abstract of all bids made for furnishing supplies and equipment for the State of Idaho, giving the name of the party bidding, the terms of the offer, the sum to be paid, and shall keep on file and preserve all such bids until the end of the contract term to which they relate. Each bidder shall have the right to be present, either in person or by agent, when the bids are opened and shall have the right to examine and inspect all bids. All purchases, advertisements and contracts for supplies for the executive departments and institutions enumerated in Section 1 of this Act, shall be made by the department in the name of the State of Idaho, There shall be separate proposals and separate contracts for each class of material furnished. The records shall be open at all times for the inspection of those who may be interested in such contracts made or be made, to furnish supplies to the State of Idaho.

SEC. 12. PROHIBITIONS. No contract or order or any interest therein shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract so transferred, at the option of the state. All rights of action, however, for any breach of such contract by the contracting parties are reserved to the state. No member of the legislature or any head or employee of the executive departments of the state shall directly, himself, or by any other person in trust for him, or for his use or benefit or on his account, undertake, execute, hold or enjoy, in whole or in part, any contract or agreement made or entered into by or on behalf of the State of Idaho, and every person who violates the provisions of this Section shall be deemed guilty of a misdemeanor and shall be fined not to exceed the sum of \$1000.

SEC. 13. VOID CONTRACTS. All contracts or agreements made in violation of Section 6 of this Act shall be



void and whenever any sum of money is advanced on the part of the State of Idaho in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same when demanded by the proper officer of the State of Idaho, under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of such sum of money so advanced.

SEC. 14. PENALTY. Any officer or employee of the department who shall show any partiality or favoritism in awarding contracts as herein provided shall upon conviction thereof be deemed guilty of a misdemeanor, and shall be fined in a sum not less than \$100 nor more than \$500, and shall be removed from office by the governor forthwith.

SEC. 15. Section 759 of Chapter 48 of the Compiled Laws is amended to read as follows:

“Section 759. MEDICAL SUPERINTENDENT: POWERS AND DUTIES. He is the chief executive officer of the asylum, with powers and duties as follows:

1. To control the patients, prescribe the treatment and prescribe and enforce the sanitary regulations of the asylum.

2. With the consent of the board of directors, to fix the number and compensation of, and appoint, control and remove, the attendants and assistants.

3. To prescribe and enforce the performance of the duties of the attendants and assistants. \* \* \* \* \*

4. With the consent of the board of directors to make any expenditure necessary in the performance of his duties, except *such as are under the control of the department of public works.*

5. To receive and pay to the state treasurer all moneys found upon insane persons.

6. To keep a daily record of his official acts in the mode prescribed by the by-laws.

7. To make up his annual accounts to the first of July in each year, and as soon thereafter as possible to report a statement thereof, and of the general condition of the asylum, to the board of directors.”

SEC. 16. Section 14 of Chapter 49 of the Compiled Laws is amended to read as follows:

“49:14. MEDICAL SUPERINTENDENT: POWERS AND DUTIES. The medical superintendent shall be the

chief executive officer of the sanitarium, with power and duties as follows:

1. To control the patients, prescribe the treatment, and prescribe and enforce the sanitary regulations of the sanitarium.

2. With the consent of the department of *public welfare*, to fix the number and compensation of, and appoint, control and remove the attendants, assistants and teachers.

3. To prescribe and enforce the performance of the duties of the attendants, assistants and teachers. \* \* \* \* \*

4. With the consent of the board of directors to make any expenditure necessary in the performance of his duties, except *such as are under the control of the department of public works*.

5. To receive and pay to the state treasurer all moneys found upon the feeble-minded and epileptic persons received into the sanitarium.

6. To keep a daily record of his official acts in mode prescribed by the by-laws.

7. To *keep such accounts and make such estimates and reports as shall be required by the several departments of the state government*.

SEC. 17. Section 9 of Chapter 49 and Sections 863 to 866 inclusive of the Compiled Laws and all other legislation inconsistent herewith are hereby repealed.

Approved March 12, 1919.

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## CHAPTER 129.

(S. B. No. 153.)

### AN ACT

AMENDING SECTION 5 OF AN ACT OF THE FIFTEENTH SESSION OF THE LEGISLATURE DESIGNATED SENATE BILL NO. 19, ENTITLED AN ACT IN RELATION TO THE CIVIL ADMINISTRATION OF THE STATE, ETC., APPROVED FEBRUARY, 1919, BY STRIKING THEREFROM THE OFFICES OF ASSISTANT COMMISSIONER OF COMMERCE AND INDUSTRY AND DIRECTOR OF BANKING.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 5 of an act of the Fifteenth Session of the Legislature designated Senate Bill No. 19, entitled,



"An Act in relation to the civil administration of the state, etc., approved February, 1919" is amended to read as follows:

"Sec. 5. OTHER DEPARTMENTAL OFFICERS. In addition to the commissioners of departments, the following executive and administrative officers enumerated after the same of each department respectively, are hereby created:

IN THE DEPARTMENT OF AGRICULTURE:

Director of markets.

Director of animal industry.

Director of plant industry.

Director of fairs.

IN THE DEPARTMENT OF COMMERCE AND INDUSTRY:

\* \* \* \* \*

Director of insurance.

Manager of state industrial insurance.

IN THE DEPARTMENT OF LAW ENFORCEMENT:

Fish and game warden.

IN THE DEPARTMENT OF PUBLIC WELFARE:

Public health adviser.

IN THE DEPARTMENT OF PUBLIC WORKS:

Director of highways.

IN THE DEPARTMENT OF RECLAMATION:

Director of water resources.

Each of the above-named officers shall be under the direction, supervision and control of the commissioner of the respective department to which he is assigned and shall perform such duties as such commissioner shall prescribe."

Approved March 11, 1919.

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**CHAPTER 130.**

(S. B. No. 159.)

**AN ACT**

AMENDING SECTION 4001 OF COMPILED LAWS OF IDAHO,  
RELATING TO THE APPOINTMENT OF ANOTHER ATTORNEY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 4001 of Compiled Laws of Idaho is amended to read as follows:

Section 4001. Notice to appoint another attorney. When *one party's* attorney dies, \* \* is removed, \* suspended, or ceases to act as such, *the adverse party* must, before any further proceedings *can be had* \* \* \* *by written notice, require such party to appoint another attorney or to appear in person.*

Approved March 12, 1919.

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## CHAPTER 131.

(S. B. No. 163.)

### AN ACT

AMENDING SECTION 3014 OF COMPILED LAWS OF IDAHO, RELATING TO THE PROPERTY OF CERTAIN FRATERNAL ORDERS FOR CHARITABLE PURPOSES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 3014 of Compiled Laws of Idaho is amended to read as follows:

“Section 3014. SAME ADDITIONAL PROPERTY. In addition to that provided for in the preceding section, Masons, Odd Fellows, \* \* pioneer incorporated association *and fraternal orders generally* may hold such real estate as may be necessary to carry out their charitable purposes, or for the establishment and endowment of institutions of learning connected therewith.”

Approved March 14, 1919.

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## CHAPTER 132.

(S. B. No. 165.)

### AN ACT

TO APPROVE AND CONFIRM THE ACTION OF THE STATE BOARD OF LAND COMMISSIONERS OF THE STATE OF IDAHO, IN EXTENDING THE TIME FOR SETTLERS TO MAKE FINAL PROOF OF RECLAMATION, SETTLEMENT AND OCCUPATION ON LANDS SECREGATED UNDER THE ACT OF CONGRESS COMMONLY CALLED THE CAREY



ACT BEYOND THE PERIOD OF THREE YEARS FROM THE DATE SETTLERS MAY HAVE BEEN NOTIFIED THAT THE PERSON, COMPANY, OR PERSONS, ASSOCIATION, OR INCORPORATED COMPANY AUTHORIZED TO CONSTRUCT THE WORKS WAS PREPARED TO FURNISH WATER, UNDER THE TERMS OF THEIR CONTRACT WITH THE STATE, OR THREE YEARS FROM THE DATE OF ENTRY BY SUCH SETTLERS, IN CERTAIN CASES.

*Be It Enacted by the Legislature of the State of Idaho:*

SEC. 1. That the action of the State Board of Land Commissioners of the State of Idaho, in extending the time within which settlers on lands segregated or set apart by the United States to the State of Idaho, under the Act of Congress commonly called the Carey Act are required to make proof of reclamation, settlement and occupation, as required by Section 1628 of Chapter 5, of Title 9 of the Revised Codes of Idaho, as amended by Chapter 201 of the laws of the Eleventh session of the Legislature of the State of Idaho, approved March 7, 1911, and Chapter 125 of the laws of the Twelfth session of the Legislature of the State of Idaho, approved March 11, 1913, is a proper exercise of the lawful powers of said State Board of Land Commissioners, under the act vesting the selection, management and disposal of lands segregated under said Act of Congress, in said State Board of Land Commissioners, as constituted by Section 7 of Article 9 of the Constitution of the State of Idaho, when the granting of such extension of time may appear necessary by reason of insufficient water supply or for other good cause shown. And the said action of the State Board of Land Commissioners in heretofore granting such extensions of time to settlers on Carey Act segregations is hereby expressly approved and confirmed.

Approved March 12, 1919.

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## CHAPTER 133.

(S. B. No. 170.)

### AN ACT

AMENDING SECTION 1290g OF THE COMPILED LAWS BY REGULATING THE RANGING AND BREEDING OF DAIRY CATTLE AND ADDING A NEW SECTION TO THE COMPILED LAWS DESIGNATED SECTION 1290h DEFINING THE TERM BREEDING SEASON AS USED IN SECTION 1290g.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 1290g of the Compiled Laws is amended to read as follows:

"Sec. 1290g. PENALTY FOR FAILURE TO PROVIDE REGISTERED BULLS. During the breeding season every user of the public range shall place upon the range used by him a registered bull of beef breed not less than 15 months of age nor more than 8 years of age for every 25 head or fraction thereof of female breeding cattle pastured by him upon such range, and no person shall permit any bull to run on the same range at any other time than during three successive breeding seasons: PROVIDED, The term 'female breeding cattle' shall not apply to female cattle under 12 months of age; And, PROVIDED, That any two or more persons may join together in furnishing such bull when the aggregate number of female breeding cattle turned loose upon the same range by any such two or more persons does not exceed the number of 25 head. *PROVIDED FURTHER, That the owner or owners of female dairy cattle may pasture them on the public range without a bull, as above provided, if such female dairy cattle are taken up each night to be milked and the owner or owners keep for the breeding of every 50 head of such cattle a registered bull of dairy breed, but no person shall allow a bull of dairy breed to run at large.*"

SEC. 2. Section 1290h is hereby inserted in chapter 74 of the Compiled Laws, to read as follows:

"Sec. 1290h. BREEDING SEASON DEFINED. The term 'breeding season,' as used in the preceding section, shall be construed according to the local custom upon that range."

Approved March 11, 1919.

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## CHAPTER 134.

(S. B. No. 171.)

### AN ACT

TO AMEND SECTIONS 7997 AND 8002 OF THE COMPILED LAWS OF THE STATE OF IDAHO RELATING TO THE SUSPENSION OF JUDGMENT AND SENTENCE AND PAROLE OF OFFENDERS AND THE FINAL DISCHARGE OF PAROLE.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 7997 of the Compiled Laws of



the State of Idaho be and the same is hereby amended to read as follows:

“Section 7997. Whenever any person \* \* \* shall have been convicted of any crime against the laws of this state except those of treason, murder, robbery and all classes of rape except statutory rape \* \* \* abortion, arson, \* \* \* and embezzlement of public funds, and the defendant is previously of good character and has never before been convicted of a felony, the court may in its discretion, suspend the execution of judgment or withhold judgment on such terms and for such time as it may prescribe, and, in either event, may put the defendant on probation in the charge of one of the probation officers of the Juvenile Court of the county in which the court is sitting or other probation officer, or of any other proper person selected and designated for that purpose.”

SEC. 2. That Section 8002 of the Compiled Laws of the State of Idaho be and the same is hereby amended to read as follows:

“Section 8002. *After the expiration of a period of time equivalent to the minimum sentence imposed by the court, if sentence has been imposed but suspended, or equivalent to the minimum sentence prescribed by statute for the offense in question, if sentence has been withheld, upon application of the of the defendant and upon satisfactory showing that the defendant has at all times complied with the terms and conditions upon which he was placed upon probation, the court may, if convinced by the showing made that there is no longer cause for continuing the period of probation, finally dismiss the case and discharge the defendant; and this shall apply to the cases in which defendants have been convicted and paroled by the court before this law goes into effect, as well as to cases which arise thereafter. In any event at the end of the longest period for which the defendant might have been originally sentenced by the court, if the defendant has abided by the terms and conditions of his probation, and the judgment of the court has not been executed, an order shall be entered for the defendant's discharge. The final dismissal of the case as herein provided shall have the effect of restoring the defendant to his civil rights.*”

Approved March 12, 1919.

**CHAPTER 135.**

(S. B. No. 173.)

**AN ACT**

CREATING A BUDGET SYSTEM FOR THE STATE OF IDAHO, AND PRESCRIBING THE DUTIES OF THE GOVERNOR, THE LEGISLATURE AND THE VARIOUS OFFICERS, DEPARTMENTS AND INSTITUTIONS OF THE STATE WITH RELATION THERETO.

*Be It Enacted by the Legislature of the State of Idaho:*

**SECTION 1. GOVERNOR CHIEF BUDGET OFFICER.** The governor is the chief budget officer of the state and with the assistance of the department of finance is directed to carry out the provisions of this act.

**SEC. 2. DUTIES OF COMMISSIONER OF FINANCE.** The commissioner of finance shall, not later than the 15th day of August in the year preceding the convening of the legislature, distribute to all departments and to all offices and institutions of the state government (including the elective officers in the executive and judicial departments and including the board of education) the proper blanks in such form as he shall prescribe, necessary to the preparation of budget estimates. He shall procure, among other things, information as to the revenues and expenditures for the current biennium, the appropriations made by the previous legislature, the expenditures therefrom, incumbrances thereon, and the amounts unincumbered and unexpended, and an estimate of the revenues and amounts needed for the respective departments and offices for the succeeding biennium.

**SEC. 3. DUTIES OF DEPARTMENTS, OFFICERS, ETC.** Each department, officer and institution (including the elective officers in the executive and judicial departments and including the board of education) shall, not later than the 1st day of October, file in the office of the commissioner of finance the information required by him. Accompanying the estimates of receipts and expenditures for the succeeding biennium shall be a statement in writing giving facts and explanation of reasons for each item of expenditure requested. The commissioner of finance may, in his discretion, make further inquiries and investigations as to any item desired. He may approve, disapprove or alter the estimates. He shall, on or before the 1st day of December preceding the convening of the legislature, submit to the governor and to the governor elect in writing his esti-



mates of revenues and appropriations for the next succeeding biennium.

SEC. 4. PUBLIC HEARINGS. The governor shall provide for public hearings on any and all estimates to be included in the budget, which shall be held during the month of December biennially in the even number of years. The governor shall invite the governor elect to be present at these hearings and shall require the attendance of the heads or responsible representatives of all state departments, officers, institutions or other agencies or undertakings receiving or asking financial aid from the state.

SEC. 5. DUTIES OF GOVERNOR. The governor shall as soon as possible and not later than 10 days after the organization of the legislature submit a state budget, embracing therein the amounts recommended by him to be appropriated to the respective departments, offices and institutions, and for all other public purposes, the estimated revenues from taxation, the estimated revenues from sources other than taxation, and an estimate of the amount required to be raised by taxation. Together with such budget the governor shall transmit the estimates of receipts and expenditures as received by the commissioner of finance, of the elective officers in the executive and judicial departments and of the board of education.

SEC. 6. BUDGET BILL. The governor also shall submit to the presiding officer of each house of the legislature, at the same time he submits his budget, copies of a tentative bill for all proposed appropriations of the budget, clearly itemized and properly classified, for the ensuing biennial appropriation period, which shall be known as "The budget bill."

SEC. 7. LEGISLATIVE HEARINGS. The standing committees of the house of representatives and of the senate in charge of appropriation measures shall sit jointly in open sessions while considering the budget, and shall begin such joint meetings within five days after the budget has been submitted to the legislature by the governor. This joint committee may cause the attendance of heads or responsible representatives of the departments, officers, institutions and all other agencies of the state to furnish such information and answer such questions as the joint committee shall require, and to these sessions shall be admitted, with the right to be heard, all persons interested in the estimates under consideration. The governor, or his representative, shall have the right to sit at these public hearings and be heard on all matters coming before the joint committee.

SEC. 8. PRECEDENCE OF BUDGET BILL. The legislature may increase or decrease items in the budget bill as it may deem to be in the interests of greater economy and efficiency in the public service, but neither house shall consider further or special appropriations, except in case of an emergency, which fact shall be clearly stated in the bill therefor, until the budget bill shall have been finally acted upon by both houses. All bills introduced in either house carrying appropriations shall be itemized in accordance with the classifications used in the budget.

Approved March 12, 1919.

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## CHAPTER 136.

(S. B. No. 183.)

### AN ACT

TO AMEND SECTION 7179a OF THE COMPILED LAWS OF IDAHO RELATING TO ACTS PUNISHABLE UNDER THE CRIME OF CRIMINAL SYNDICALISM.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 7179a be and the same is hereby amended to read as follows:

Sec. 7179a. SAME: ACTS PUNISHABLE. Any person who:

1. By word of mouth or writing advocates or teaches the duty, necessity or propriety of crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform; or,

2. Prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political reform should be brought about by crime, sabotage, violence or other unlawful methods of terrorism; or,

3. Openly, wilfully and deliberately justifies, by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with intent to exemplify, spread or advocate the propriety of the doctrines of criminal syndicalism; or,

4. Organizes or helps to organize or attempts to organize or becomes a member of or who, being a member thereof, continues or retains such membership or voluntarily assem-



bles with any society, group or assemblage of persons formed to teach or advocate, or which does teach or advocate the doctrines of criminal syndicalism;

Is guilty of a felony and punishable by imprisonment in the state prison for not more than 10 years or by a fine of not more than \$5000, or both.

Approved March 12, 1919.

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## CHAPTER 137.

(S. B. No. 186.)

### AN ACT

AMENDING SECTION 291 OF CHAPTER 38 OF THE COMPILED LAWS, RELATING TO THE ESTABLISHMENT OF LIBRARIES BY CITIES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 291 of Chapter 38 of the Compiled Laws is amended to read as follows:

“38:291. CITIES MAY ESTABLISH LIBRARIES. The common council of every city and of every village of the State of Idaho shall have power to establish a public library and reading room, and for such purpose may annually levy, and cause to be collected, as other taxes are, a tax not exceeding 2 mills on the dollar of the taxable property of such city or village, to constitute a library fund, which shall be kept by the treasurer separate and apart from other moneys of the city or village, and be used exclusively for the purchase of books, periodicals, necessary furniture and fixtures, and whatever is required for the maintenance of such library and reading room.”

Approved March 12, 1919.

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## CHAPTER 138.

(S. B. No. 187.)

### AN ACT

LEVYING AN OCCUPATION TAX IN THE FORM OF A RENEWAL LICENSE ON ALL PERSONS ENGAGED IN TRADES, OCCUPATIONS AND PROFESSIONS LICENSED BY THE DEPARTMENT OF LAW ENFORCEMENT AND APPROPRIATING THE PROCEEDS OF SUCH LICENSE FEES

AND RENEWAL FEES FOR THE PURPOSE OF CONDUCTING A BUREAU OR OFFICE OF REGISTRATION IN SAID DEPARTMENT, AND REPEALING ALL INCONSISTENT LEGISLATION.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. All persons required to procure licenses from the department of law enforcement as a prerequisite for engaging in a trade, occupation or profession must annually renew the same on July 1st of each year. In case of failure so to renew a license, the department shall cancel the same.

SEC. 2. The licentiate shall pay to the department of law enforcement annually a renewal fee of \$2.

SEC. 3. All fees and renewal fees received by the department of law enforcement for licenses to engage in trades, occupations or professions shall be deposited in a special fund in the treasury known as the occupations registration fund. All moneys accruing to said fund are hereby appropriated for the use of the department of law enforcement in conducting a bureau or office of registration.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 18, 1919.

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## CHAPTER 139.

(S. B. No. 195.)

### AN ACT

MAKING APPROPRIATIONS FOR THE MAINTENANCE OF AND PURCHASE OF BOOKS FOR THE STATE LAW LIBRARY AT POCATELLO, IDAHO, AND REPEALING SECTION 842b OF THE COMPILED LAWS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The sum of \$1140, or so much thereof as may be necessary, is hereby appropriated out of any funds in the state treasury not otherwise appropriated to be expended by the justices of the supreme court for the rent of quarters and salary of librarian for the state law library at Pocatello.

SEC. 2. The justices of the supreme court are authorized to expend the sum of \$3000 out of the state law library fund for the purchase of additional books for said library.



SEC. 3. Section 842b of the Compiled Laws is hereby repealed.

Approved March 12, 1919.

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## CHAPTER 140.

(H. B. No. 7.

### AN ACT

AMENDING SECTION 99a OF CHAPTER 133 OF THE COMPILED LAWS OF IDAHO, BY PROVIDING THAT THE BOARD OF COUNTY COMMISSIONERS MAY LEVY A TAX FOR STATE HIGHWAY PURPOSES NOT TO EXCEED TWENTY-FIVE CENTS ON THE HUNDRED DOLLARS OF ASSESSED VALUATION.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 99a of Chapter 133 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Section 99a. Upon the same property and for the same year the said board must also levy a tax for general road purposes, to be collected and paid into the county treasury and apportioned to the county road fund, except as otherwise provided by law, which levy shall not exceed twenty-five cents on each one hundred dollars of such assessed valuation, and upon the same property for the same year the said board may also levy a general tax for state highway purposes to be collected and paid into the county treasury and apportioned to a fund to be designated as the state highway fund to be used for state highway purposes exclusively, which levy shall not exceed twenty-five cents on each one hundred dollars of such assessed valuation, such state highway fund shall not be apportioned under the highway district law or the good road district law but such fund shall be spent under the supervision of the State Highway Commission within the county where levied.

SEC. 2. That all acts and parts of acts in conflict with this Act be and the same are hereby repealed to the extent of such conflict.

Approved March 3, 1919.

**CHAPTER 141.**

(H. B. No. 8.)

**AN ACT**

TO AMEND SECTION 2412 OF THE COMPILED LAWS OF IDAHO, PROVIDING FOR THE PAYMENT OF ASSESSMENTS OF IRRIGATION DISTRICTS AND THE TIME WHEN SUCH ASSESSMENTS BECOME DELINQUENT AND NOTICE THEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2412 of the Compiled laws of Idaho be, and the same is hereby amended so as to read as follows:

SEC. 2412. PAYMENT OF ASSESSMENTS. WHEN DELINQUENT. Except in districts which have prior to such assessments entered into contracts with the United States requiring payments to the United States on or before December 1 of that year, on or before the 1st day of November the secretary must deliver the assessment book to the Treasurer of the district, who shall within ten days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable and will become delinquent at 6 o'clock P. M. on the third Monday of December next thereafter, and also the times and places at which the payment of the assessments may be made, which notice shall be published for the period of two weeks. The Treasurer must attend at the times and places specified in the notice, to receive assessments, which must be paid in lawful money of the United States; he must mark the date of payment of any assessment in the assessment book opposite the name of the person paying and give a receipt to such person, specifying the amount of the assessment and the amount paid with a description of the property assessed. On the *third* Monday of December at 6 o'clock p. m. of each year, all unpaid assessments for the *current* year are delinquent;

PROVIDED, That if any person shall pay one-half of his assessments before they become delinquent as aforesaid the remaining one-half shall not become delinquent until the third Monday in June at 6 o'clock p. m. of each year.

Approved February 17, 1919.



**CHAPTER 142.**

(H. B. No. 15.)

**AN ACT**

AUTHORIZING AND EMPOWERING THE BOARD OF COUNTY COMMISSIONERS TO EMPLOY A GRADUATE TRAINED NURSE OR NURSES: FIX THE AMOUNT OF COMPENSATION AND SUPERVISE AND DIRECT THE WORK OF SUCH NURSES AS HEREIN PROVIDED.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. The Board of County Commissioners of any County is authorized and empowered to employ a graduate trained nurse or nurses whose duties shall be as follows: To act as consulting expert on hygiene for all schools not already having medical inspection either by physician or visiting nurse; to assist in the care of the poor in the County who are in need of such services; to give instruction to tuberculosis patients and others relative to hygienic measures to be observed in preventing the spread of tuberculosis; to aid in making a report of existing cases of tuberculosis; to act as a visiting nurse throughout the County; to hold clinics; in cooperation with the juvenile court to look after child welfare work in the County and to perform such other duties as nurse and hygienic expert as may be assigned by the County Board. Every such visiting nurse shall at the end of each month make a report in writing to the County Commissioners, which report shall show the visits made during the month then ending, clinics held, assistance rendered and the requests made for such services and such other information as the County Board may from time to time require.

SEC. 2. The salary of any such nurse or nurses shall be fixed by said Board of County Commissioners, who may make appropriation for the same out of the general tax fund of the County or out of other available funds not otherwise appropriated.

Approved February 11, 1919.

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**CHAPTER 143.**

(H. B. No. 24.)

**AN ACT**

TO AMEND SECTION 4818 OF THE COMPILED LAWS OF IDA-

HO, RELATING TO THE RECORD ON APPEAL FROM  
FINAL JUDGMENTS OF DISTRICT COURTS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 4818 of the Compiled Laws of Idaho, be amended to read as follows:

Section 4818. PAPERS TO BE FURNISHED ON APPEAL. On an appeal from a final judgment the appellant must furnish the court with copy of the notice of appeal, of the judgment roll and of any bill of exceptions or reporter's transcript prepared and settled as prescribed in section 4434, upon which the appellant relies, *and of all papers, records and files designated in the praecipe filed by appellant with the clerk of the district court.*

Approved February 13, 1919.

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**CHAPTER 144.**

(H. B. No. 25.)

**AN ACT**

PROVIDING FOR THE APPRAISEMENT OF AND THE COMPENSATION FOR TUBERCULAR CATTLE CONDEMNED BY THE REPRESENTATIVES OF THE BUREAU OF ANIMAL INDUSTRY OF THE UNITED STATES DEPARTMENT OF AGRICULTURE OR THE LIVESTOCK BOARD OF THE STATE OF IDAHO, IN AN ATTEMPT TO ERADICATE TUBERCULOSIS IN THE STATE OF IDAHO. AND PROVIDING THE AUTHORITY FOR THE LIVE STOCK BOARD OF THE STATE OF IDAHO TO COOPERATE WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND TO ACCEPT THE COOPERATIVE AGREEMENT AS OUTLINED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND REPEALING SECTION 1162 OF THE COMPILED LAWS OF THE STATE OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That in carrying out the provisions of Chapter Four of the Compiled Laws of the State of Idaho relating to the State Sanitary Board and Livestock Inspectors, if in the opinion of the State Veterinarian or other qualified Veterinarian working under his direction or under the direction of the Secretary of Agriculture of the United States, it shall be deemed necessary to destroy cattle affected with tuberculosis, the procedure shall be as follows: Each animal



shall be appraised according to the plan outlined by the United States Department of Agriculture (B. A. I. Order 260) except that the appraisal value as determined by the Representatives of the respective Departments shall be final, and compensation shall be made out of any money in the treasury of the State of Idaho, appropriated for that purpose, on the certificate of the State Veterinarian or duly appointed deputy or assistant, filed with the State Board of Examiners; Provided, however, that in no case shall compensation from the State of Idaho exceed twenty-five dollars for any grade animal and fifty dollars for any pure-bred animal; and provided further that the salvage of the animal shall first be deducted from the appraised value of the animal, and the State of Idaho shall pay one-third of the difference between the salvage and the appraised value, thereby equaling the sum provided by the United States Department of Agriculture, and leaving an equal sum to be borne by the owner thereof; and provided further, that no compensation shall be made for or on account of any animal destroyed, if at the time of inspection or test of such animal or at the time of destruction thereof, it shall belong to or be on the premises of any person, firm or corporation, to which it has been sold, shipped or delivered for the purpose of being slaughtered, or is being kept in violation of any law of the United States or of the State of Idaho, or any rule or regulation of the bureau of Animal Industry of the United States Department of Agriculture or the State of Idaho Livestock Sanitary Board.

SEC. 2. That Section 1162 of the Compiled Laws of the State of Idaho is hereby repealed.

SEC. 3. That the State of Idaho Sanitary Livestock Board is authorized to cooperate with the United States Department of Agriculture in the Tuberculosis eradication and accept the co-operative agreement as given in the B. A. I. Order 260 promulgated from the provisions of the Act of Congress, approved October 1, 1915, and effective October 15, 1918, entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30th nineteen hundred and nineteen," and the State Sanitary Board of the State of Idaho and all representatives thereof are required to work in cooperation with the Bureau of Animal Industry of the Department of the United States.

Approved February 18, 1919.

**CHAPTER 145.**

(H. B. No. 29.)

**AN ACT**

FOR THE PROTECTION OF SONG AND INSECTIVOROUS BIRDS, AMENDING SEC. 112 OF CHAPTER 117 OF THE COMPILED LAWS OF THE STATE OF IDAHO, PROVIDING FOR THE DESTRUCTION OF THE ENGLISH SPARROW, AND OTHER ENEMIES OF SUCH BIRDS, PROVIDING FOR THE EDUCATION AND INFORMATION OF SCHOOL CHILDREN CONCERNING THE USEFULNESS OF SUCH BIRDS AND THE NECESSITY FOR THEIR PROTECTION, PROVIDING FOR THE ENFORCEMENT OF THIS ACT AND FIXING A PENALTY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 112 of Chapter 117 of the *Compiled Laws of the State of Idaho* shall be amended to read as follows:

Section 112a. It shall be unlawful for any person or persons within the State of Idaho, to hunt, kill, capture, or destroy any song, insectivorous, or innocent bird, except English Sparrow, *Williamson Sapsucker*, \* \* \* \* \*  
\* \* magpie, or bee bird at any time of the year, or to destroy the eggs or nests of such birds.

*The Board of County Commissioners of any County, or City Council or any city, are hereby authorized to appropriate funds for the destruction of the English Sparrow or other birds which are destructive to song, insectivorous or innocent birds, their eggs or nests, or which are destructive to farm crops or plant life. It shall be the duty of the State Superintendent of Public Instruction, the County Superintendent of schools, the Superintendents, Principals, and teachers in all of the schools of the state to give instructions to school children concerning the usefulness of insectivorous, song and innocent birds in the destruction of insects and pests that destroy plant life. It shall be their duty to inform school children of the destructiveness of the common house cat to bird life, and to the necessity of protecting the same against the destructiveness of the said common house cat. It shall be their duty, further, to inform school children of the provisions of this Act, and the penalty attached hereto, for the destruction of song, insectivorous, or innocent birds, their eggs or nests. It shall be the duty of any person or persons putting out poison for the destruction of gophers,*



*ground squirrels, or other animals to use precaution to protect song, insectivorous, or innocent birds.*

Section 112 b. *Any person or persons who shall wilfully violate the provisions of this Act shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) when such person is over sixteen (16) years of age. When under sixteen (16) years of age they shall be subject to such punishment as shall be inflicted upon them by the local Justice, Probate, or Juvenile Court.*

Section 112 c. *All acts contrary to the provisions of this Act, are hereby repealed.*

Approved February 19, 1919.

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## CHAPTER 146.

(H. B. No. 30.)

### AN ACT

TO AMEND SECTION 2414A OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2414 A of the Compiled Laws of Idaho, be and the same is hereby amended to read as follows:

Sec. 2414 A. The Treasurer must attend at the time and place specified in the notice and conduct the sale. The sale shall be conducted in all respects in the manner provided for the sale of property for delinquent county and state taxes and may be postponed in the same manner, *and the district shall become the purchaser if it so desires in preference to any other purchaser*, and the district shall become the purchaser of the property in any case where the county would have been the purchaser of the property at sales for delinquent county and state taxes. The treasurer must retain in his office a list of the property sold, stating name of owner as appears by assessment roll, amount for which sold and date of sale, and file a duplicate list with the recorder of the county in which the land is situated. The treasurer shall execute a duplicate certificate of sale, which shall contain the statements in substance required in certificates of sale in sales of county and state delinquent taxes, one of which shall be delivered to the purchaser and the other shall be filed by the treasurer in the office of the county recorder of the coun-

ty in which the land is situated. When the district is the purchaser the duplicate certificate shall be filed with the secretary. Any irrigation district as a purchaser of any land at any such delinquent tax sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to the rights of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and the secretary of the board; Provided, That authority to so convey must be conferred by resolution of the board.

Approved February 18, 1919.

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## CHAPTER 147.

(H. B. No. 38.)

### AN ACT

FOR THE RELIEF OF THE FIRST NATIONAL BANK OF MOSCOW, FOR THE PAYMENT OF A JUDGMENT AGAINST THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND APPROPRIATING THE SUM OF NINE THOUSAND TWO HUNDRED DOLLARS AND SIXTY-FOUR CENTS (\$9,200.64) AND EMPOWERING THE AUDITOR TO ISSUE HIS WARRANT THEREFOR, AND THAT THE TREASURER PAY THE SAME.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the sum of Nine Thousand Two Hundred Dollars and Sixty-four cents (\$9,200.64) be, and the same is hereby appropriated out of any moneys in the Treasury of the State of Idaho, not otherwise appropriated, for the relief of the First National Bank of Moscow, Idaho, as and in payment of a judgment in the District Court of the Second Judicial District of the State of Idaho, in and for Latah County, against the Board of Regents of the University of the State of Idaho, rendered on the 14th day of May, A. D. 1913, and on appeal affirmed in the Supreme Court of the State of Idaho, on the 24th day of April, A. D. 1914, and the Auditor of the State of Idaho is hereby authorized, empowered and directed upon presentation to him of a certified copy of this Act, to deliver his warrant upon the general fund of the State of Idaho in favor of the First National Bank of Moscow, Idaho, for the sum of Nine Thousand Two Hundred Dollars and Sixty-four cents (\$9,200.64), and that the Treasurer of the State of Idaho is hereby authorized and directed to pay the said warrant.

Approved March 18, 1919.



**CHAPTER 148.**

(H. B. No. 42.)

**AN ACT**

TO AMEND SECTION 6528 OF THE COMPILED LAWS OF IDAHO, FIXING A PENALTY FOR BRIBERY OF COUNTY OR MUNICIPAL OFFICERS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. THAT section 6528 of the Compiled Laws of the State of Idaho read as follows:

Section 6528: Every person who gives or offers a bribe to any member of any common council, board of county commissioners or board of trustees of any county, city or corporation, with intent to corruptly influence such member in his action on any matter or subject pending before a body of which he is a member and every member of either of the bodies mentioned in this section who receives or offers to receive any such bribe *and every person who gives or offers a bribe to any sheriff, deputy sheriff, policeman, constable, prosecuting attorney or other officer charged with the enforcement of the laws of this State to receive or secure immunity from arrest, prosecution or punishment for a violation or contemplated violation of the laws of this state or any such officer who receives or offers to receive any such bribe* is punishable by imprisonment in the State Prison for a term not less than one (1) nor more than fourteen (14) years.

Approved February 25, 1919.

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**CHAPTER 149.**

(H. B. No. 44.)

**AN ACT**

STYLED THE "UNIFORM SALES LAW," CODIFYING THE LAW OF SALES OF GOODS; REGULATING THE FORMATION OF CONTRACTS OF SALE AND TO SELL; CAPACITIES OF PERSONS TO BUY AND SELL, THE FORMALITIES AND SUBJECT MATTER OF SUCH CONTRACTS; PRESCRIBING EFFECT OF STATUTE OF FRAUDS THEREON; PRESCRIBING EFFECT OF DESTRUCTION OF GOODS SOLD OR CONTRACTED TO BE SOLD; DEFINING PRICE AND MANNER OF ASCERTAINMENT THEREOF; PRESCRIBING EFFECT OF CONDITIONS AND EXPRESS AND IMPLIED WAR-

RANTIES AND SALE BY SAMPLE; PRESCRIBING THE PRINCIPLES GOVERNING THE TRANSFER OF PROPERTY AND TITLE THERETO AS BETWEEN SELLER AND BUYER AND THE EFFECT THEREOF, THE MANNER AND TIME OF TRANSFER AND RULES FOR ASCERTAINING THE INTENTION OF PARTIES; PRESCRIBING MANNER OF RESERVATION OF RIGHT OF POSSESSION WHEN GOODS SHIPPED; REGULATING SALE BY AUCTION; FIXING RISK OF LOSS; PRESCRIBING EFFECT OF TRANSFER OF TITLE BY PERSON NOT THE OWNER, BY ONE HAVING A VOIDABLE TITLE, BY SELLER IN POSSESSION OF GOODS ALREADY SOLD; DEFINING CREDITORS' RIGHTS AGAINST SOLD GOODS IN SELLERS' POSSESSION; DEFINING NEGOTIABLE AND NON-NEGOTIABLE DOCUMENTS OF TITLE, PRESCRIBING MANNER AND EFFECT OF NEGOTIATION OF NEGOTIABLE DOCUMENTS OF TITLE AND OF TRANSFER OF NON-NEGOTIABLE DOCUMENTS OF TITLE AND OF NEGOTIABLE DOCUMENTS WITHOUT INDORSEMENT; PRESCRIBING THE RIGHTS AND LIABILITIES OF HOLDERS, TRANSFERORS ENDORSERS AND TRANSFEREES OF DOCUMENTS OF TITLE; PRESCRIBING EFFECT OF FRAUD, DURESS OR MISTAKE ON DOCUMENTS OF TITLE; PRESCRIBING EFFECT OF ATTACHMENT OR LEVY UPON GOODS FOR WHICH NEGOTIABLE DOCUMENTS HAS BEEN ISSUED; PRESCRIBING CREDITORS' REMEDIES TO REACH NEGOTIABLE DOCUMENTS; PRESCRIBING MANNER OF PERFORMANCE OF CONTRACTS OF SALE AND TO SELL, MANNER AND EFFECT OF DELIVERY OF GOODS AND RIGHT TO EXAMINE GOODS; DEFINING ACCEPTANCE AND EFFECT THEREOF; PRESCRIBING EFFECT OF WRONG DELIVERY AND FAILURE TO ACCEPT DELIVERY; PRESCRIBING RIGHTS AND REMEDIES OF UNPAID SELLER AND MANNER OF EXERCISING UNPAID SELLERS' LIEN: DEFINING GOODS IN TRANSIT AND PRESCRIBING EFFECT AND MANNER OF EXERCISING RIGHT TO STOPPAGE IN TRANSITU; PRESCRIBING EFFECT OF SALE OF GOODS SUBJECT TO LIEN OR STOPPAGE IN TRANSITU; PRESCRIBING REMEDIES OF SELLER AND BUYER; DEFINING TERMS USED HEREIN AS A GUIDE TO THE INTERPRETATION HEREOF AND PROVIDING FOR A UNIFORM INTERPRETATION HEREOF; EXEMPTING FROM THE PROVISIONS HEREOF EXISTING SALES OR CONTRACTS TO SELL; AMENDING SECTION 6009 COMPILED LAWS. REPEALING SECTIONS 3324 TO 3331, INCLUSIVE, AND SECTION 3444 OF THE COMPILED LAWS AND ALL LAWS AND PARTS OF LAWS INCONSIS-



TENT HEREWITH: AND PRESCRIBING THE TIME OF THE TAKNG EFFECT HEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

## ARTICLE 1.

### FORMATION OF THE CONTRACT

#### SECTION 1. CONTRACTS TO SELL AND SALES.

(1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

SEC. 2. CAPACITY: LIABILITIES FOR NECESSARIES. Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section mean goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

### FORMALITIES OF THE CONTRACT.

SEC. 3. FORM OF CONTRACT OR SALE. Subject to the provisions of this law and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

#### SEC. 4. STATUTE OF FRAUDS.

(1.) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in

earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3.) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

#### SUBJECT MATTER OF CONTRACT.

##### SEC. 5. EXISTING AND FUTURE GOODS.

(1.) The goods which form the subject of a contract to sell may be either goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this law called "future goods."

(2.) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3.) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

SEC. 6. UNDIVIDED SHARES. (1.) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2.) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight



or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

SEC. 7. DESTRUCTION OF GOODS SOLD. (1.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale—

(a) As avoided, or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

SEC. 8. DESTRUCTION OF GOODS CONTRACTED TO BE SOLD.

(1.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract,—

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

#### THE PRICE.

SEC. 9. DEFINITION AND ASCERTAINMENT OF PRICE.

(1.) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2.) The price may be made payable in any personal property.

(3.) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this law shall not apply.

(4.) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

SEC. 10. SALE AT A VALUATION. (1.) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2.) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by Articles 4 and 5 of this law.

### CONDITIONS AND WARRANTIES.

SEC. 11. EFFECT OF CONDITIONS. (1.) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the non-performance of the condition as a breach of warranty.

(2.) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

SEC. 12. DEFINITION OF EXPRESS WARRANTY. Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency



of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

SEC. 13. IMPLIED WARRANTIES OF TITLE. In a contract to sell or a sale, unless a contrary intention appears, there is—

(1.) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass;

(2.) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale;

(3.) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4.) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

SEC. 14. IMPLIED WARRANTY IN SALE BY DESCRIPTION. Where there is a contract to sell or a sale of goods by description there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

SEC. 15. IMPLIED WARRANTIES OF QUALITY. Subject to the provisions of this law and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1.) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2.) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3.) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4.) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5.) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6.) An express warranty or condition does not negative a warranty or condition implied under this law unless inconsistent therewith.

#### SALE BY SAMPLE.

SEC. 16. IMPLIED WARRANTIES IN SALE BY SAMPLE. In the case of a contract to sell or a sale by sample:

(a.) There is an implied warranty that the bulk shall correspond with the sample in quality.

(b.) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

(c.) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

#### ARTICLE 2.

#### TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER.

SEC. 17. NO PROPERTY PASSES UNTIL GOODS ARE ASCERTAINED. Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

SEC. 18. PROPERTY IN SPECIFIC GOODS PASSES WHEN PARTIES SO INTEND. (1.) Where there is a contract to sell specific or ascertained goods, the property in



them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2.) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

SEC. 19. RULES FOR ASCERTAINING INTENTION. Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliberate state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing be done.

Rule 3. (1.) When goods are delivered to the buyer "on sale or return", or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may re-vest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2.) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a.) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b.) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1.) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the

buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2.) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

#### SEC. 20. RESERVATION OF RIGHT OF POSSESSION OR PROPERTY WHEN GOODS ARE SHIPPED.

(1.) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

(2.) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3.) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.



(4.) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading, he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods without notice of the facts making the transfer wrongful.

SEC. 21. SALE BY AUCTION. In case of sale by auction—

(1.) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2.) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3.) A right to bid may be reserved expressly by or on behalf of the seller.

(4.) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

SEC. 22. RISK OF LOSS. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that,—

(a.) Where delivery of the goods has been made to the

buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b.) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

### TRANSFER OF TITLE.

#### SEC. 23. SALE BY A PERSON NOT THE OWNER.

(1.) Subject to the provisions of this law, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Nothing in this law, however, shall affect—

(a.) The provisions of any factors' acts, recording acts, of any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b.) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

SEC. 24. SALE BY ONE HAVING A VOIDABLE TITLE. Where the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

SEC. 25. SALE BY SELLER IN POSSESSION OF GOODS ALREADY SOLD. Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

SEC. 26. CREDITORS' RIGHTS AGAINST SOLD GOODS IN SELLERS' POSSESSION. Where a person



having sold goods continues in possession of the goods, or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

SEC. 27. DEFINITION OF NEGOTIABLE DOCUMENTS OF TITLE. A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

SEC. 28. NEGOTIATION OF NEGOTIABLE DOCUMENTS BY DELIVERY. A negotiable document of title may be negotiated by delivery,—

(a) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or

(b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to a bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the indorsement of such indorsee.

SEC. 29. NEGOTIATION OF NEGOTIABLE DOCUMENTS BY INDORSEMENT. A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

SEC. 30. NEGOTIABLE DOCUMENTS OF TITLE MARKED "NOT NEGOTIABLE." If a document of title which contains an undertaking by a carrier, warehouseman or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable", "non-negotiable" or the like,

such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this law. But nothing in this law contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title of placing thereon the words "not negotiable" "non-negotiable", or the like.

SEC. 31. TRANSFER OF NON-NEGOTIABLE DOCUMENTS. A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

SEC. 32. WHO MAY NEGOTIATE A DOCUMENT. A negotiable document of title may be negotiated,—

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the document has been entrusted by the owner, if, by the terms of the document of bailee issuing the document undertakes to deliver the goods to the order of the person to whom the possession or custody of the document has been entrusted, or if at the time of such entrusting the document is in such form that it may be negotiated by delivery.

SEC. 33. RIGHTS OF PERSONS TO WHOM DOCUMENT HAS BEEN NEGOTIATED. A person to whom a negotiable document of title has been duly negotiated acquires thereby,—

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

SEC. 34. RIGHTS OF PERSONS TO WHOM DOCUMENT HAS BEEN TRANSFERRED. A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.



If the document is non-negotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

SEC. 35. TRANSFER OF NEGOTIABLE DOCUMENT WITHOUT INDORSEMENT. Where a negotiable document of title is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

SEC. 36. WARRANTIES ON SALE OF DOCUMENT. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- (a) That the document is genuine;
- (b) That he has a legal right to negotiate or transfer it;
- (c) That he has knowledge of no fact which would impair the validity or worth of the document, and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

SEC. 37. INDORSER NOT A GUARANTOR. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

SEC. 38. WHEN NEGOTIATION NOT IMPAIRED BY FRAUD, MISTAKE OR DURESS. The validity of a negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the

fact that the owner of the document was induced by fraud, mistake or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

SEC. 39. ATTACHMENT OR LEVY UPON GOODS FOR WHICH A NEGOTIABLE DOCUMENT HAS BEEN ISSUED. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

SEC. 40. CREDITORS' REMEDIES TO REACH NEGOTIABLE DOCUMENTS. A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed by law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

### ARTICLE 3.

#### PERFORMANCE OF THE CONTRACT.

SEC. 41. SELLER MUST DELIVER AND BUYER ACCEPT GOODS. It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

SEC. 42. DELIVERY AND PAYMENT ARE CONCURRENT CONDITIONS. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

SEC. 43. PLACE, TIME AND MANNER OF DELIVERY.

(1.) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a ques-



tion depending in each case on the contract, express or implied, between the parties. Apart from any such contract expressed or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2.) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3.) Where the goods at the time of the sale are in possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4.) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5.) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

SEC. 44. DELIVERY OF WRONG QUANTITY. (1.) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2.) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3.) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4.) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

SEC. 45. DELIVERY IN INSTALMENTS. (1.) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2.) Where there is a contract to sell goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation, but not to a right to treat the whole contract as broken.

SEC. 46. DELIVERY TO A CARRIER ON BEHALF OF THE BUYER.

(1.) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, Rule 5, or unless a contrary intent appears.

(2.) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3.) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him



to insure them during their transmit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

SEC. 47. RIGHT TO EXAMINE THE GOODS. (1.) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered, by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

SEC. 48. WHAT CONSTITUTES ACCEPTANCE. The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

SEC. 49. ACCEPTANCE DOES NOT BAR ACTION FOR DAMAGES. In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know such breach, the seller shall not be liable therefor.

SEC. 50. BUYER IS NOT BOUND TO RETURN GOODS WRONGLY DELIVERED.

Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so

to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

SEC. 51. BUYER'S LIABILITY FOR FAILING TO ACCEPT DELIVERY. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or the refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

#### ARTICLE 4.

#### RIGHTS OF UNPAID SELLER AGAINST THE GOODS.

SEC. 52. DEFINITION OF UNPAID SELLER. (1) The seller of goods is deemed to be an unpaid seller within the meaning of this law,—

(a) When the whole of the price has not been paid or tendered.

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this law the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

SEC. 53. REMEDIES OF AN UNPAID SELLER. (1) Subject to the provisions of this law, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has,—

(a). A lien on the goods or right to retain them for the price while he is in possession of them;

(b). In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;

(c.) A right of resale as limited by this law;

(d.) A right to rescind the sale as limited by this law.



(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

#### UNPAID SELLER'S LIEN.

SEC. 54. WHEN RIGHT OF LIEN MAY BE EXERCISED. (1) Subject to the provisions of this law, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

SEC. 55. LIEN AFTER PART DELIVERY. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

SEC. 56. WHEN LIEN IS LOST. (1) The unpaid seller of goods loses his lien thereon,—

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods;

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

#### STOPPAGE IN TRANSITU.

SEC. 57. SELLER MAY STOP GOODS ON BUYER'S INSOLVENCY. Subject to the provisions of this law, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu, that is to say, he may

resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

SEC. 58. WHEN GOODS ARE IN TRANSIT. (1)  
Goods are in transit within the meaning of section 57.—

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee;

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are not longer in transit within the meaning of section 57,

(a). If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b). If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c). If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3.) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4.) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

SEC. 59. WAYS OF EXERCISING THE RIGHT TO STOP. (1.) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case, the no-



tice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence may prevent a delivery to the buyer.

(2.) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

### RESALE BY THE SELLER.

#### SEC. 60. WHEN AND HOW RESALE MAY BE MADE.

(1.) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3.) It is not essential to the validity of a resale that notice of an intention to recall the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4.) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5.) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

### RESCISSION BY THE SELLER.

#### SEC. 61. WHEN AND HOW THE SELLER MAY RE-

**SCIND THE SALE.** (1) An unpaid seller having a right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default, in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

**SEC. 62. EFFECT OF SALE OF GOODS SUBJECT TO LIEN OR STOPPAGE IN TRANSITU.** Subject to the provisions of this law, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

## ARTICLE 5.

### ACTIONS FOR BREACH OF THE CONTRACT. REMEDIES OF THE SELLER.

**SEC. 63. ACTION FOR THE PRICE.** (1.) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2.) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or re-



fuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3.) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

#### SEC. 64. ACTION FOR DAMAGES FOR NON-ACCEPTANCE OF THE GOODS.

(1.) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2.) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

#### SEC. 65. WHEN SELLER MAY RESCIND CONTRACT OR SALE. Where the goods have not been de-

livered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

### REMEDIES OF THE BUYER.

SEC. 66. ACTION FOR CONVERTING OR DETAINING GOODS. Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

SEC. 67. ACTION FOR FAILING TO DELIVER GOODS. (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

SEC. 68. SPECIFIC PERFORMANCE. Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as to the court may seem just.

### SEC. 69. REMEDIES FOR BREACH OF WARRANTY.

(1) Where there is a breach of warranty by the seller, the buyer may, at his election,—

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;



(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2.) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescind the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods.

If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proxi-

mate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

SEC. 70. INTEREST AND SPECIAL DAMAGES. Nothing in this law shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

## ARTICLE 6.

### INTERPRETATION.

SEC. 71. VARIATION OF IMPLIED OBLIGATIONS. Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

SEC. 72. RIGHTS MAY BE ENFORCED BY ACTION. Where any right, duty or liability is declared by this law, it may, unless otherwise by this law provided, be enforced by action.

SEC. 73. RULE FOR CASES NOT PROVIDED FOR BY THIS LAW. In any case not provided for in this law, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

SEC. 74. INTERPRETATION SHALL GIVE EFFECT TO PURPOSE OF UNIFORMITY. This law shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

SEC. 75. PROVISIONS NOT APPLICABLE TO MORTGAGES. The provisions of this law relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

SEC. 76. DEFINITIONS. (1.) In this law, unless the context or subject matter otherwise requires—

“Action” includes counterclaim, set-off and suit in equity.



“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counterclaim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

“Document of title to goods” includes any bill of lading, doc warranty, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

“Fault” means wrongful act or default.

“Fungible goods” means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

“Future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale.

“Goods” include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under contract of sale.

“Order” in sections of this law relating to documents of title means an order by indorsement on the document.

“Person” includes a corporation or partnership or two or more persons having a joint or common interest.

“Plaintiff” includes defendant asserting a right of setoff or counterclaim.

“Property” means the general property in goods, and not merely a special property.

“Purchaser” includes mortgagee and pledgee.

“Purchases” includes taking as a mortgagee or as a pledgee.

“Quality of Goods” includes their state or condition.

“Sale” includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in the interest of such person.

"Specific Goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not, constitutes value where goods or documents of titles are taken either in satisfaction or as security therefor.

(2) A thing is done "in good faith" within the meaning of this law when it is in fact done honestly, whether it be done negligently or not.

(3) A person is insolvent within the meaning of this law who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4) Goods are in a "deliverable state" within the meaning of this law when they are in such a state that the buyer would under the contract, be bound to take delivery of them.

SEC. 77. LAW DOES NOT APPLY TO EXISTING SALE OR CONTRACTS TO SELL. None of the provisions of this law shall apply to any sale, or to any contract to sell, made prior to the taking effect of this law.

SEC. 78. NO REPEAL OF UNIFORM WAREHOUSE RECEIPT LAW OR UNIFORM BILLS OF LADING LAW. Nothing in this law or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the law to make Uniform the Law of Warehouse Receipts, or of the law to make uniform the Law of Bills of Lading.

SEC. 79. INCONSISTENT LEGISLATION REPEALED. Chapter 243, comprising sections 3324 to 3331, inclusive, and section 3444 of chapter 250 of the Compiled Laws are hereby repealed; and except as provided in section 78 all laws or parts of laws inconsistent with this law are hereby repealed.

SEC. 79a. AMENDMENT TO CONFORM WITH SECTION 4 HEREOF. Section 6009 of chapter 348 of the Compiled Laws is amended to read as follows:

Section 6009. "In the following cases the agreement is invalid, unless the same or some note or memorandum thereof, be in writing and subscribed by the party charged, or by his agent, Evidence, therefore, of the agreement cannot be



received without the writing or secondary evidence of its contents:

1. An agreement that by its terms is not to be performed within a year from the making thereof;

2. A special promise to answer for the debt, default or miscarriage of another, except in the cases provided for in the next section;

3. An agreement made upon consideration of marriage, other than a mutual promise to marry;

4. An agreement for the sale of goods, chattels, or things in action, at a price not less than *five* hundred dollars, unless the buyer accept and receive part of such goods and chattels, or the evidences, or some of them of such things in action, or pay, at the time, some part of the purchase money; but when a sale is made by auction, an entry by the auctioneer in his sale book, at the time of the sale, of the kind of property sold, the terms of the sale, the price, and the names of the purchaser and person on whose account the sale is made, is a sufficient memorandum;

5. An agreement for the leasing, for a longer period than one year, or for the sale, of real property, or of an interest therein, and such agreement, if made by an agent of the party sought to be charged, is invalid, unless the authority of the agent be in writing, subscribed by the party sought to be charged."

SEC. 80. TIME WHEN THE LAW TAKES EFFECT. This law shall take effect on the first day of January one thousand nine hundred and twenty.

SEC. 81. NAME OF LAW. This law may be cited as the "Uniform Sales Law." It shall be inserted in the Compiled Laws as chapter 243.

Approved March 6, 1919.

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## CHAPTER 150.

(H. B. No. 45.)

### AN ACT

DIRECTING THE DEPARTMENT OF FARM MARKETS OF THE STATE OF IDAHO TO INVESTIGATE CASES OF LOSS IN THE MARKETING OF FARM PRODUCTS AND LIVESTOCK, TO PROSECUTE OFFENDERS AND TO PUBLISH ITS FINDINGS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. —The *department of Farm Markets* of the State of Idaho is directed to investigate all cases reported to it wherein a producer of agricultural products or livestock has suffered loss in the marketing of his products or has failed to receive a fair, just and reasonable *compensation* by reason of fraud, injustice, extortion, manipulation or profiteering on the part of others.

For the purpose of such investigation, the *department of farm markets* or its authorized agent may administer oaths and may take testimony either orally or in writing.

If it finds that an offense has been committed under the criminal laws it shall take such steps as are necessary to prosecute the offender.

The department shall publish its findings except that in a case other than a criminal offense, where as a result of the investigation by the department, restitution is made to the person injured by the offender, the department may, in its discretion, withhold its findings from publication.

Approved February 28, 1919.

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## CHAPTER 151.

(H. B. No. 50.)

### AN ACT

STYLED THE "UNIFORM LIMITED PARTNERSHIP LAW,"  
CODIFYING THE LAW RELATING TO LIMITED PARTNERSHIPS; REPEALING SECTIONS 3336 TO 3360p; INCLUSIVE OF THE COMPILED LAWS AND PRESCRIBING THE TIME OF THE TAKING EFFECT THEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Limited partnership defined. A limited partnership is a partnership formed by two or more persons under the provisions of section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

SEC. 2. Formation. 1. Two or more persons desiring to form a limited partnership shall

a. Sign and swear to a certificate, which shall state

(1) The name of the partnership,

(2) The character of the business,



- (3) The location of the principal place of business,
- (4) The name and place of residence of each member; general and limited partners being respectively designated.
- (5) The term for which the partnership is to exist,
- (6) The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,
- (7) The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made.
- (8) The time, if agreed upon, when the contribution of each limited partner is to be returned.
- (9) The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution.
- (10) The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,
- (11) The right, if given, of the partners to admit additional limited partners.
- (12) The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority.
- (13) The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and
- (14) The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

b. File for record the certificate in the office of the recorder of the county in which the principal place of business of the partnership is situated, in a book to be kept for that purpose, open to public inspection; If the partnership has places of business situated in different counties, a copy of the certificate, certified by the recorder in whose office it is recorded, must be recorded in like manner in the office of the recorder in every such county.

2. A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph 1.

SEC. 3. Business which may be carried on. A limited

partnership may carry on any business which a partnership without limited partners may carry on, except banking and insurance.

SEC. 4. Character of limited partner's contribution. The contributions of a limited partner may be cash or other property, but not services.

SEC. 5. A name not to contain surname of limited partner: Exceptions. 1. The surname of a limited partner shall not appear in the partnership name, unless

- a. It is also the surname of a general partner, or
- b. Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

2. A limited partner whose name appears in a partnership name contrary to the provisions of paragraph 1 is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

SEC. 6. Liability for false statements in certificate. If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false.

- a. At the time he signed the certificate, or
- b. Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in section 25 (3).

SEC. 7. Limited partner not liable to creditors. A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

SEC. 8. Admission of additional limited partners. After the formation of a limited partnership, additional limited partners may be admitted upon filing an amendment to the original certificate in accordance with the requirements of section 25.

SEC. 9. Rights, powers and liabilities of a general partner. 1. A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the



specific act by all the limited partners, a general partner or all of the general partners have no authority to

1. Do any act in contravention of the certificate,
2. Do any act which would make it impossible to carry on the ordinary business of the partnership,
3. Confess a judgment against the partnership,
4. Possess partnership property, or assign their rights in specific partnership property, for other than a partnership purpose,
5. Admit a person as a general partner,
6. Admit a person as a limited partner, unless the right so to do is given in the certificate,
7. Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the rights so to do is given in the certificate.

SEC. 10. Rights of a limited partner. 1. A limited partner shall have the same rights as a general partner to

a. Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them.

b. Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

c. Have dissolution and winding up by decree of court.

2. A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in sections 15 and 16.

SEC. 11. Status of person erroneously believing himself a limited partner. A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertaining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

SEC. 12. One person both general and limited partner.

1. A person may be a general partner and a limited partner in the same partnership at the same time.

2. A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

SEC. 13. Loans and other business transactions with limited partner. 1. A limited partner also may loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rate share of the assets. No limited partner shall in respect to any such claims

a. Receive or hold as collateral security any partnership property, or

b. Receive from a general partner or the partnership any payment conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

2. The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph 1 is a fraud on the creditors of the partnership.

SEC. 14. Relation of limited partners interested. Where there are several limited partners the members may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

SEC. 15. Compensation of limited partner. A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

SEC. 16. Withdrawal or reduction of limited partner's



contribution. 1. A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

a. All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them,

b. The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph 2, and

c. The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

2. Subject to the provisions of paragraph 1 a limited partner may rightfully demand the return of his contribution.

a. On the dissolution of a partnership, or

b. When the date specified in the certificate for its return has arrived, or

c. After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

3. In the absence of any statement in the certificate to the contrary or the consent of all members, a limited partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

4. A limited partner may have the partnership dissolved and its affairs wound up when

a. He rightfully but unsuccessfully demands the return of his contribution, or

b. The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph 1a and the limited partner would otherwise be entitled to the return of his contribution.

SEC. 17. Liability of limited partner to partnership. 1. A limited partner is liable to the partnership.

a. For the difference between his contribution as actually made and that stated in the certificate as having been made, and

b. For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

2. A limited partner holds as trustee for the partnership

a. Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

b. Money or other property wrongfully paid or conveyed to him on account of his contribution.

3. The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

4. When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extend credit or whose claims arose before such return.

SEC. 18. Nature of limited partner's interest in partnership. A limited partner's interest in the partnership is personal property.

SEC. 19. Assignment of limited partner's interest.

1. A limited partner's interest is assignable.

2. A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

3. An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

4. An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

5. An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with section 25.

6. The substituted limited partner has all the rights



and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

7. The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under sections 6 and 17.

SEC. 20. Effect of retirement, death or insanity of a general partner. The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners.

1. Under a right so to do stated in the certificate, or
2. With the consent of all members.

SEC. 21. Death of limited partner. 1. On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

2. The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

SEC. 22. Rights of creditors of limited partner. 1. On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

2. The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

3. The remedies conferred by paragraph 1 shall not be deemed exclusive of others which may exist.

4. Nothing in this act shall be held to deprive a limited partner of his statutory exemption.

SEC. 23. Distribution of assets. 1. In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

a. Those to creditors, in the order of priority as provided by laws, except those to limited partners on account of their contributions, and to general partners,

b. Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions

c. Those to limited partners in respect to the capital of their contributions

d. Those to general partners other than for capital and profits,

e. Those to general partners in respect to profits,

f. Those to general partners in respect to capital.

2. Subject to any Statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims.

SEC. 24. When certificate shall be cancelled or amended.

1. The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such.

2. A certificate shall be amended when

a. There is a change in the name of the partnership or in the amount or character of the contribution of any limited partner.

b. A person is substituted as a limited partner,

c. An additional limited partner is admitted,

d. A person is admitted as a general partner

e. A general partner retires, dies, or becomes insane, and the business is continued under section 20.

f. There is a change in the character of the business of the partnership,

g. There is a false or erroneous statement in the certificate,

h. There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

i. a time is fixed for the dissolution of the partnership of the return of a contribution, no time having been specified in the certificate or

j. The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

SEC. 25. Requirements for amendment and for cancellation of certificate. 1. The writing to amend a certificate shall

a. Conform to the requirements of section 2 (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and



b. Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

2. The writing to cancel a certificate shall be signed by all members.

3. A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs 1 and 2 as a person who must execute the writing refuses to do so, may petition the district court to direct a cancellation or amendment thereof.

4. If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county recorder in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

5. A certificate is amended or canceled when there is filed for record in the office of the county recorder where the certificate is recorded.

a. A writing in accordance with the provisions of paragraph 1, or 2 or

b. A certified copy of the order of court in accordance with the provisions of paragraph 4.

6. After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

SEC. 26. Parties to actions. A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

SEC. 27. Name of act. This chapter may be cited as the uniform limited partnership law.

SEC. 28. Rules of construction. 1. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

2. This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

3. This act shall not be so construed as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

SEC. 29. Rules for cases not provided for in this act. In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

SEC. 30. Provision for existing limited partnership.

1. A limited or special partnership formed under any statute of this state prior to the adoption of this act, may become a limited partnership under this act by complying with the provisions of section 2; provided the certificate sets forth.

a. The amount of the original contribution of each limited partners, and the time when the contribution was made, and

b. That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

2. A limited or special partnership formed under any statute of this state prior to the adoption of this act, until or unless it becomes a limited partnership under this act, shall continue to be governed by the provisions of section 3336 to 3360 inclusive of chapter 245 of Compiled Laws, except that such partnership shall not be renewed unless so provided in the original agreement.

SEC. 31. Laws repealed. Except as affecting existing limited partnerships to the extent set forth in section 30, sections 3336 to 3360 inclusive of chapter 245 of Compiled Laws are hereby repealed.

SEC. 32. Time when law takes effect. This law shall take effect on the first day of January one thousand nine hundred and twenty.

Approved March 3, 1919.

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## CHAPTER 152.

(H. B. No. 55.)

### AN ACT

STYLED THE "BONDED WAREHOUSE LAW" PROVIDING FOR THE LICENSING, BONDING AND REGULATION OF PUB-



LIC WAREHOUSES STORING GRAINS, LEGUMINOUS SEEDS, HAY, POTATOES, FRUIT AND WOOL, GIVING THE DEPARTMENT OF AGRICULTURE POWER TO ENFORCE THIS ACT; AND PROVIDING PENALTIES FOR THE INFRACTION HEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. *Short title of act.* This act shall be known by the short title of bonded warehouse law.

SEC. 2. *Terms defined.* The term "public warehouse" or "warehouse" as used in this act shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is received for storage or transfer for compensation; *such warehouses are hereby declared to be public utilities.*

The term "agricultural product" wherever used in this act shall be deemed to mean grains, leguminous seeds, hay, potatoes, fruit and wool or any of them.

The term "person" includes a corporation or partnership or two or more persons having a joint or common interest.

The term "warehouseman" means a person operating or controlling a public warehouse.

The term "receipt" means a warehouse receipt.

*The terms "Department of Agriculture" and "Commissioner of Agriculture" shall be read "Department of Farm Markets" and "State Director of Farm Markets" where a Department of Agriculture and Commissioner of Agriculture do not by law exist in this State.*

SEC. 3. *License necessary to operate public warehouse.* Before a person can lawfully operate a public warehouse in this state he must procure a license under this act.

SEC. 4. *Penalty for operating public warehouse without license.* Any person operating a public warehouse without a license shall forfeit to the state for each day's operation \$50, and such operation may be enjoined upon complaint of the commissioner of agriculture.

"SEC 5. *Investigation, inspection and classification of warehouses, storage, warehousing, weighing and certification of agricultural products; duties of warehousemen.* Upon application by any person for license to conduct a warehouse under this act, the Department of Agriculture is authorized to investigate and determine whether the warehouse for which licenses are applied, or have been previously issued, under this Act, are suitable for the proper storage of

*agricultural products, and the Department of Agriculture is authorized with or without application, to-wit:*

*To inspect any warehouse licensed under this act; to investigate the storage, warehousing, classifying according to grade, and otherwise weighing and certification of agricultural products therein conducted; to classify warehouses, licensed or applying for license, in accordance with their ownership, location, surroundings, capacity, conditions and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this Act; and to prescribe, within the limitations of this Act, the duties of the warehouse men conducting warehouses licensed under this Act with respect to their care of and responsibility for agricultural products.*

SEC. 6. *Licenses to warehousemen: Issue: Conditions precedent.* The department of agriculture is authorized, upon application to it, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this act and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this act and the rules and regulations prescribed hereunder.

SEC. 7. *Term of license: Renewal.* Each license issued under section 6 of this act shall be issued for a period not exceeding one year. All licenses shall terminate on June 30th following their issuance.

SEC. 8. *Bond of applicant for license: Additional bond.* Each warehouseman applying for a license to conduct a warehouse in accordance with this act shall, as a condition to the granting thereof, execute and file with the department of agriculture a good and sufficient bond other than personal security to the state to secure the faithful performance of his obligations as a warehouseman under all the laws of the state, and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, and shall contain such terms and conditions as the department of agriculture may prescribe to carry out the purposes of this act, including the requirements of fire insurance. Whenever the de-



partment of agriculture shall determine that a bond approved by it is, or for any cause has become, insufficient, it may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

SEC. 9. *Action on bond by persons injured.* Any person injured by the breach of any obligation to secure which a bond is given, under the provisions of section 8, shall be entitled to sue on the bond in his own name in a court of competent jurisdiction to recover the damages he may have sustained by such breach.

SEC. 10. *Designation of warehouse as bonded warehouse.* Upon the filing with and approval by the department of agriculture of a bond, in compliance with this act, for the conduct of a warehouse, such warehouse shall be designated as bonded hereunder; but no warehouse shall be designated as bonded under this act, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 8, has been filed with and approved by the department of agriculture, nor unless the license issued under this act for the conduct of such warehouse remains unsuspended and unrevoked.

SEC. 11. *Fees for examining and inspecting warehouses and issuing licenses or renewals.* The department of agriculture shall charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this act when such examination or inspection is made upon application of a warehouseman, and a fee not exceeding \$2 per annum for each license or renewal thereof issued to a warehouseman under this Act. All such fees shall be deposited and covered into the *State* treasury.

SEC. 12. *Schedule of rates: Posting.* Every public warehouseman shall annually, during the first week in July, publish by posting in a conspicuous place in his warehouse, a schedule of storage rates for the ensuing year, which schedule shall be kept posted in a conspicuous place in said warehouse.

SEC. 13. *Owner: Privilege of examining grain, etc.* Every person having an interest in any agricultural product stored in any such warehouse, and every state inspector, shall have the right to examine at all times during ordinary business hours any product so stored, and all parts of such warehouses, *provided warehouse or the agricultural prod-*

*ucts stored therein is not endangered by such inspection; and every warehouseman, his agents and servants shall furnish proper facilities for such examination.*

SEC. 14. *Employment of inspectors.* The department of agriculture may employ such inspectors, samplers and weighers as it may deem necessary.

SEC. 15. *Licenses to persons to classify, grade, or weigh agricultural products for storage.* The department of agriculture may, upon presentation of satisfactory proof of competency, issue to any person a license to classify any agricultural product or products, stored or to be stored in a warehouse licensed under this act, according to grade or otherwise and to certificate the grade or other class thereof, or to weigh the same and certificate the weights thereof, or both to classify and weigh the same and to certificate the grade or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this act and of the rules and regulations prescribed hereunder so far as the same relate to him, *and execute a sufficient bond to the State of Idaho in sum determined by the Department of Agriculture for the faithful discharge of his duties.*

SEC. 16. *Suspension or revocation of license to classify agricultural products.* Any license issued to any person to classify or to weigh any agricultural product or products under this act may be suspended or revoked by the department of agriculture whenever it is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to classify or to weigh any agricultural product or products correctly, or has violated any of the provisions of this act, or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatsoever. Pending investigation, the department of agriculture, whenever it deems necessary, may suspend a license temporarily without hearing.

SEC. 17. *Fees for inspection.* The department shall fix the fees for the inspection and weighing of agricultural products, such fees to be a lien upon such products.

SEC. 18. *Warehousemen to receive products without discrimination.* Every warehouseman conducting a warehouse licensed under this act shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him, *bearing certificate, when re-*



quired, of an official inspector showing suitable condition, for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities.

SEC. 19. *Deposit of agricultural products for storage deemed deposited subject to act.* Any person who deposits agricultural products for storage in a warehouse licensed under this act shall be deemed to have deposited the same subject to the terms of this act and the rules and regulations prescribed hereunder.

SEC. 20. *Inspection and grading of stored fungible diseased or insect infected agricultural products.* Any fungible diseased or insect infected agricultural product complained of by any person having interest in the warehouse or agricultural products stored in a warehouse licensed under this act shall be inspected and graded by a representative of the department of agriculture or a person duly licensed to grade the same under this act, and if such inspection or grading shows such agricultural products to be in condition that its continued storing or retention would injure or damage the warehouse or other products stored therein the owner shall, by order of the inspector, forthwith remove such agricultural product. Providing the owner of such product is unknown to the inspector or warehouseman, the warehouseman shall proceed to remove or make disposition of such product in a manner that will tend to save and realize the values contained in such product by the owner, under such rules and regulations as may be prescribed under this Act.

SEC. 21. *Fungible agricultural products of different grades to be kept separate.* Every warehouseman conducting a warehouse licensed under this act shall at no time while they are in his custody mix fungible agricultural products of different grades.

SEC. 22. *Receipts for products stored.* For all agricultural products stored in a warehouse licensed under this act original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof.

SEC. 23. *Same: Contents.* Every receipt issued for agricultural products stored in a warehouse licensed under this act shall embody within its written or printed terms:

1. All the requirements of a receipt under the uniform warehouse receipts law.

2. A description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages.

3. The grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standards of the state applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the state for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard: *Provided*, That unless otherwise required by law, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with this subdivision may be issued if it have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable.

4. A statement that the receipt is issued subject to the state bonded warehouse act and the rules and regulations prescribed thereunder.

5. Such other terms and conditions within the limitations of this act as may be required by the department of agriculture.

SEC. 24. *Standards for agricultural products.* The department of agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products in this act defined by which their quality or value may be judged or determined.

So far as practicable such standards shall conform to the official standards of the United States applicable to such agricultural products as the same may from time to time be fixed and promulgated.

No warehouseman in this state shall insert in any receipt issued by him any language in anywise limiting or modifying his liabilities, or responsibilities, as imposed by the laws of this state.

SEC. 25. *Other or further receipts not issued while orig-*



*inal is outstanding unless lost or destroyed.* While an original receipt issued under this act is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this act.

SEC. 26. *Records of products stored: Reports to department of agriculture: Conduct of warehouses in accordance with act and rules and regulations.* Every warehouseman conducting a warehouse licensed under this act shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the department of agriculture concerning such warehouse and the condition, contents, operation, and business thereof, in such form and at such times as it may require, and shall conduct said warehouse in all other respects in compliance with this act and the rules and regulations made hereunder.

SEC. 27. *Examination of products stored: Publication of findings.* The department of agriculture is authorized to cause examinations to be made of any agricultural product stored in any warehouse licensed under this act. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this act and the rules and regulations made hereunder, the department may publish its findings.

SEC. 28. *Suspension or revocation of license.* The department of agriculture may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license issued to any warehouseman conducting a warehouse under this act, for any violation of or failure to comply with any provision of this act or of the rules and regulations made hereunder or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation the department of agriculture, whenever it deems necessary, may suspend a license temporarily without hearing.

SEC. 29. *Publication of results of investigation: Names*

*and locations of bonded and licensed warehouses.* The department of agriculture from time to time may publish the results of any investigations made under this act; and it shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this act and a list of all licenses terminated under this act and the causes therefor.

SEC. 30. *Examination of books.* The department of agriculture is authorized through officials, employees, or agents of the department designated by it, to examine all books, records, papers, and accounts of warehouses relating thereto.

SEC. 31. *Rules and regulations.* The department of agriculture shall from time to time make such rules and regulations as it may deem necessary for the efficient execution of the provisions of this act.

SEC. 32. *Cooperation.* In the administration of this act the department is directed to cooperate with the state seed commissioner, with the federal departments and with official agencies in other states.

SEC. 33. *Forging or altering license, violating or failing to comply with act, or issuing or uttering false or fraudulent receipts or certificate.* Every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the department of agriculture under this act, or who shall violate or fail to comply with any provision of section 8 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or imprisoned not more than six months, or both, in the discretion of the court.

SEC. 34. *Rent of quarters and employment of assistants.* The department is authorized to rent such quarters and to employ such persons and means as it may deem necessary in the city of Boise and elsewhere, and it is authorized, in its discretion, to employ qualified persons not regularly in the service of the state for temporary assistance in carrying out the purposes of this act.

SEC. 35. *Effect of partial invalidity of act.* If any clause, sentence, paragraph, or part of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or



part thereof directly involved in the controversy in which such judgment shall have been rendered.

Approved March 6, 1919.

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## CHAPTER 153.

(H. B. No. 59.)

### AN ACT

MAKING THE USE OF THE ENGLISH LANGUAGE COMPULSORY IN THE GRADE SCHOOLS AND HIGH SCHOOLS OF THE STATE OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. It shall be unlawful for any school superintendent, school principal, teacher, instructor, trustee, school board or school department to teach or cause to be taught in the grade schools and high schools, or in any school, teaching similar branches in the State of Idaho, any subject in any language other than the English language; *Providing, however,* that the provisions of this act shall not apply to instructions in any particular language for the purpose of teaching said language, nor to the use of foreign words and phrases in designating scientific terms.

SEC. 2. Violations of the provisions of this Act shall constitute a misdemeanor.

Approved February 25, 1919.

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## CHAPTER 154.

(H. B. No. 66.)

### AN ACT

STYLED THE "UNIFORM PARTNERSHIP ACT," CODIFYING THE LAW RELATING TO PARTNERSHIPS, DEFINING ITS NATURE AND INCIDENTS, THE RIGHTS AND LIABILITIES OF PARTNERS AND OF OTHERS IN THEIR DEALINGS WITH PARTNERS; PRESCRIBING THE TIME OF THE TAKING EFFECT HEREOF AND REPEALING INCONSISTENT LEGISLATION.

*Be It Enacted by the Legislature of the State of Idaho:*

### ARTICLE 1.

#### PRELIMINARY PROVISIONS.

SEC. 1. Name of law. This law may be cited as uniform partnership law.

SEC. 2. Definition of terms. In this act, "court" includes every court and judge having jurisdiction in the case.

"Business" includes every trade, occupation, or profession.

"Person" includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act.

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real Property" includes land and any interest or estate in land.

SEC. 3. Interpretation of knowledge and notice. 1. A person has "knowledge" of a fact within the meaning of this act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in circumstances show bad faith.

2. A person has "notice" of a fact within the meaning of this act when the person who claims the benefit of the notice.

a. States the fact to such person, or

b. Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

SEC. 4. Rules of construction. 1. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

2. The law of estoppel shall apply under this act.

3. The law of agency shall apply under this act.

4. This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

5. This act shall not be construed so as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

SEC. 5. Rules for cases not provided for in this act. In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

## ARTICLE 2.

### NATURE OF A PARTNERSHIP.

SEC. 6. Partnership defined. 1. A partnership is an



association of two or more persons to carry on as coowners a business for profit.

2. But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this act, unless such association would have been a partnership in this state prior to the adoption of this act; but this act shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.

SEC. 7. Rules for determining the existence of a partnership. In determining whether a partnership exists, these rules shall apply:

1. Except as provided by section 16 persons who are not partners as to each other are not partners as to third persons.

2. Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such coowners do or do not share any profits made by the use of the property.

3. The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

4. The receipt by a person of a share of the profits of business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

- a. As a debt by instalment or otherwise,
- b. As wages of an employee or rent to a landlord,
- c. As an annuity to a widow or representative of a deceased partner.
- d. As interest on a loan, though the amount of payment vary with the profits of the business,
- e. As the consideration for the sale of the good will of a business or other property by instalments or otherwise.

SEC. 8. Partnership property. 1. All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership is partnership property.

2. Unless the contrary intention appears, property acquired with partnership funds is partnership property.

3. Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

4. A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

### ARTICLE 3.

#### RELATIONS OF PARTNERS TO PERSONS DEALING WITH THE PARTNERSHIP.

SEC. 9. Partner agent of partnership as to partnership business. 1. Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

2. An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

3. Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

a. Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership,

b. Dispose of the good will of the business.,

c. Do any other act which would make it impossible to carry on the ordinary business of a partnership,

d. Confess a judgment,

e. Submit a partnership claim or liability to arbitration or reference.

4. No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

SEC. 10. Conveyance of real property of the partnership. 1. Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the part-



ner's act binds the partnership under the provisions of paragraph 1 of section 9, or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority,

2. Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph 1 of section 9.

3. Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such property, but the partnership may recover such property if the partners' act does not bind the partnership under the provisions of paragraph 1 of section 9, unless the purchaser or his assignee, is a holder for value, without knowledge.

4. Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph 1 of section 9.

5. Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

SEC. 11. Partnership bound by admission of partner. An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this act is evidence against the partnership.

SEC. 12. Partnership charged with knowledge of or notice to partner. Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

SEC. 13. Partnership bound by partner's wrongful act. Where, by any wrongful act or omission of any partner act-

ing in the ordinary course of the business of the partnership, or with the authority of his copartners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

SEC. 14. Partnership bound by partner's breach of trust. The partnership is bound to make good the loss:

1. Where one partner acting within the scope of his apparent authority received money or property of a third person and misapplies it; and

2. Where the partnership in the course of its business receives money or property of a third person and the money or property so received is misapplied by any partner while it is in custody of the partnership.

SEC. 15. Nature of partner's liability. All partners are liable

1. Jointly and severally for everything chargeable to the partnership under sections 13 and 14.

2. Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

SEC. 16. Partner by estoppel. 1. When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made.

- a. When a partnership liability results, he is liable as though he were an actual member of the partnership.

- b. When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

2. When a person has been thus represented to be a partner in an existing partnership, or with one of more



persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

SEC. 17. Liability of incoming partner. A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

#### ARTICLE 4.

##### RELATIONS OF PARTNERS TO ONE ANOTHER.

SEC. 18. Rules determining rights and duties of partners. The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

1. Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

2. The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

3. A partner, who in aid of the partnership makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

4. A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

5. All partners have equal rights in the management and conduct of the partnership business.

6. No partner is entitled to remuneration for acting in

the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

7. No person can become a member of a partnership without the consent of all the partners.

8. Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

SEC. 19. Partnership books. The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

SEC. 20. Duty of partners to render information. Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability.

SEC. 21. Partner accountable as a fiduciary. 1. Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

2. This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

SEC. 22. Right to an account. Any partner shall have the right to a formal account as to partnership affairs:

1. If he is wrongfully excluded from the partnership business or possession of its property by his copartners.

2. If the right exists under the terms of any agreement,

3. As provided by section 21,

4. Whenever other circumstances render it just and reasonable.

SEC. 23. Continuation of partnership beyond fixed term. 1. When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agree-



ment, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

2. A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

## ARTICLE 5.

### PROPERTY RIGHTS OF A PARTNER.

SEC. 24. Extent of property rights of a partner. The property rights of a partner are: 1. His rights in specific partnership property. 2. His interest in the partnership, 3. his right to participate in the management.

SEC. 25. Nature of a partner's right in specific partnership property.

1. A partner is coowner with his partners of specific partnership property, holding as a tenant in partnership.

2. The incidents of this tenancy are such that:

a. A partner, subject to the provisions of this act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

b. A partner's right in specific partnership property is not assignable except in connection with the assignment of the rights of all the partners in the same property.

c. A partner's rights in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

d. On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

e. A partner's right in specific partnership property is

not subject to dower, curtesy, or allowances to widows, heirs, or next of kin.

SEC. 26. Nature of partner's interest in the partnership. A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

SEC. 27. Assignment of partner's interest. 1. A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership, to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

2. In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

SEC. 28. Partner's interest subject to charging order. 1. On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with payment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

2. The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

a. With separate property, by any one or more of the partners, or

b. With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

3. Nothing in this act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.



## ARTICLE 6.

## DISSOLUTION AND WINDING UP.

SEC. 29. Dissolution defined. The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

SEC. 30. Partnership not terminated by dissolution. On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

SEC. 31. Causes of dissolution. Dissolution is caused:

1. Without violation of the agreement between the partners,

a. By the termination of the definite term or particular undertaking specified in the agreement,

b. By the express will of any partner when no definite term or particular undertaking is specified.

c. By the express will of all the partners who have not assigned their interests or suffered them to be charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

d. By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

2. In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

3. By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

4. By the death of any partner;

5. By the bankruptcy of any partner or the partnership;

6. By decree of court under section 32.

SEC. 32. Dissolution by decree of court. 1. on application by or for a partner the court shall decree a dissolution whenever:

a. A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind.

b. A partner becomes in any other way incapable of performing his part of the partnership contract,

c. A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

d. A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him,

e. The business of the partnership can only be carried on at a loss,

f. Other circumstances render a dissolution equitable.

2. On the application of the purchaser of a partner's interest under sections 28 or 29:

a. After the termination of the specified term or particular undertaking,

b. At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

SEC. 33. General effect of dissolution on authority of partner. Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

1. With respect to the partners,

a. When the dissolution is not by the act, bankruptcy or death of a partner; or

b. When the dissolution is by such act, bankruptcy or death of a partner, in cases where section 34 so requires.

2. With respect to persons not partners, as declared in section 35.

SEC. 34. Right of partner to contribution from copartners after dissolution. Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his copartners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless

a. The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

b. The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

SEC. 35. Power of partner to bind partnership to third persons after dissolution. 1. After dissolution a partner



can bind the partnership except as provided in paragraph 3

a. By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;

b. By any transaction which would bind the partnership if dissolution had not taken place, provided the other party to the transaction

(1) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(2) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

2. The liability of a partner under paragraph 1b shall be satisfied out of partnership assets alone when such partner had been prior to dissolution

a. Unknown as a partner to the person with whom the contract is made; and

b. So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

3. The partnership is in no case bound by any act of a partner after dissolution

a. Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriated for winding up partnership affairs; or

b. Where the partner has become bankrupt; or

c. Where the partner has no authority to wind up partnership affairs; except by a transaction with one who

(1) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(2) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph 1b (2)

4. Nothing in this section shall affect the liability under section 16 of any person who after dissolution represents himself or consents to another person representing him as a partner in a partnership engaged in carrying on business.

SEC. 36. Effect of dissolution on partner's existing liability. 1. The dissolution of the partnership does not of itself discharge the existing liability of any partner.

2. A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

3. Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

4. The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

SEC. 37. Right to wind up. Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

SEC. 38. Rights of partners to application of partnership property. 1. When dissolution is caused in any way, except in contravention of the partnership agreement, each partner, as against his copartners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partnership property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement



under section 36 (2), he shall receive in cash only the net amount due him from the partnership.

2. When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

a. Each partner who has not caused dissolution wrongfully shall have,

(1) All the rights specified in paragraph 1 of this section, and

(2) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

b. The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause 2a (2) of this section, and in like manner indemnify him against all present or future partnership liabilities.

c. A partner who has caused the dissolution wrongfully shall have:

(1) If the business is not continued under the provisions of paragraph 2b all the rights of a partner under paragraph 1, subject to clause 2a (2), of this section,

(2) If the business is continued under paragraph 2b of this section the right as against his copartners and all claiming through them in respect to their interests in the partnership, to have the value of his interest in the partnership, less any damages caused to his copartners by the dissolution, ascertained and paid to him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good will of the business shall not be considered.

SEC. 39. Rights where partnership is dissolved for fraud or misrepresentation. Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one of the parties thereto, the party entitled

to rescind is, without prejudice to any other right, entitled,

a. To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

b. To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect of the partnership liabilities; and

c. To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

SEC. 40. Rules for distribution. In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

a. The assets of the partnership are:

(1) The partnership property,

(2) The contributions of the partners necessary for the payment of all the liabilities specified in clause b of this paragraph.

b. The liabilities of the partnership shall rank in order of payment, as follows:

(1) Those owing to creditors other than partners,

(2) Those owing to partners other than for capital and profits,

(3) Those owing to partners in respect of capital,

(4) Those owing to partners in respect to profits.

c. The assets shall be applied in the order of their declaration in clause a of this paragraph to the satisfaction of the liabilities.

d. The partners shall contribute, as provided by section 18a the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or, not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits, the additional amount necessary to pay the liabilities.

e. An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause d of this paragraph.



f. Any partner or his legal representative shall have the right to enforce the contributions specified in clause d of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

g. The individual property of a deceased partner shall be liable for the contributions specified in clause d of this paragraph.

h. When partnership property and the individual properties of the partners are in the possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

i. Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

- (1) Those owing to separate creditors,
- (2) Those owing to partnership creditors,
- (3) Those owing to partners by way of contribution.

SEC. 41. Liability of persons continuing the business in certain cases. 1. When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two or more of the partners, or to one or more of the partners and one or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

2. When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

3. When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs 1 and 2 of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

4. When all the partners or their representatives assign their rights in partnership property to one or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

5. When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of section 38 2b, either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

6. When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

7. The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

8. When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

9. Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

10. The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

SEC. 42. Rights of retiring or estate of deceased partner when the business is continued. When any partner retires or dies, and the business is continued under any of the conditions set forth in section 41 (1, 2, 3, 5, 6,) or section 38 (2b), without any settlement of accounts as be-



tween him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any claim arising under this section, as provided by section 41 (8) of this act.

SEC. 43. Accrual of actions. The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

## ARTICLE 7.

### MISCELLANEOUS PROVISIONS.

SEC. 44. When act takes effect. This act shall take effect on the first day of January one thousand nine hundred and twenty.

SEC. 45. Legislation repealed. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 11, 1919.

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## CHAPTER 155.

(H. B. No. 73.)

### AN ACT

AMENDING SECTION 27 OF CHAPTER 63 OF THE COMPILED LAWS OF IDAHO; DECLARING LAWS OF THE ROAD FOR THE STATE.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 27 of Chapter 63 of the Compiled Laws of Idaho (Pages 395-396) is hereby amended to read as follows:

63:27. *The laws of the road everywhere in the State*

of Idaho are declared to be as specified in the following paragraphs:

1. Vehicles proceeding in opposite directions shall pass to the right, giving one-half the road to each, except as hereinafter provided,

2. Vehicles proceeding in the same direction shall overtake each other by passing to the left, except as hereinafter provided.

3. On canyon roads or other roads bordering on any precipice, stream or river, and upon dugways, motor vehicles passing any person riding horses or other draft animals, or a vehicle drawn by such animals, shall be required to take the side nearest to any such precipice, stream or river, and the lower side of the dugway.

4. The overtaking vehicle in passing shall maintain its speed until clear of the overtaken vehicle, and for such distance thereafter as shall prevent dust and mud throwing upon the overtaken vehicle.

5. The signal to pass shall be given by one blast or stroke of the horn, bell, whistle, gong or other signaling device.

6. Should the overtaken vehicle then not give way, three such blasts, or signals shall be given, and on failure to comply therewith the overtaking vehicle may at the next suitable place safe to both vehicles go by without further signal.

7. Except as provided in paragraph 3 of this section, it shall be the duty of every overtaken vehicle to turn to the right and give one-half the road to the overtaking vehicle.

8. Vehicles approaching an intersecting road, street or highway shall be under control so as to permit the vehicle on the right of the vehicle approaching to first cross the intersecting street, road or highway.

9. All vehicles approaching an intersection of a street, road or highway with the intention of turning thereat shall, in turning to the right, keep closely to the right, and in turning to the left, shall run to and beyond the center of intersection.

10. At all intersections the vehicle approaching the intersection from the right of any other vehicle approaching the intersection shall have the right of way.

11. The person in control of any vehicle moving slowly along and upon any street, road or highway shall keep such vehicle as closely as practicable to the right-hand boundary of such street, road or highway, allowing more swiftly moving vehicles reasonably free passage to the left.



12. *The person in charge of any vehicle in or upon any street, road or highway, before turning, stopping or changing the course of such vehicle, and before turning such vehicle when starting the same, shall first see that there is sufficient space for such movement to be made in safety, and if the movement or operation of other vehicles may reasonably be affected by such turning, stopping or changing of course, shall give plainly visible or audible signal to the person operating, driving or in charge of such vehicles of his intention so to turn, stop, or change his course.*

13. *In passing and overtaking, such assistance shall be given by the occupants of each vehicle, respectively, to the other as circumstances shall demand and either request, and each of them exercise due care and caution to get clearance and avoid accidents. Each person having control of any motor vehicle, whenever upon any street, road or highway, and approaching any vehicle, drawn by horse or horses or any horse upon which any person is riding, shall operate, manage and control such motor vehicle in such manner as to exercise reasonable precaution to prevent frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear frightened the person in control of such motor vehicle shall reduce its speed, and, if requested by signal or otherwise by the driver or rider of such horse or horses, shall not proceed further toward such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under control of its rider or driver.*

14. *In passing railroad or street cars operated in any city, town or village in this state, vehicles shall be operated with due care and caution that the safety of passengers boarding or alighting from such street or railroad car shall be fully protected, and for that purpose said vehicle shall be brought to a stop, if necessary, or required by local ordinances.*

15. *In parades, at theaters and all other occasions and places where traffic is congested, vehicles shall be operated with due care and caution, and jockeying vehicles or running by for position is prohibited by this act. Every vehicle, upon embarking and discharging its load, shall immediately move out and away from the congested area, and the next vehicle shall follow the same.*

16. *No vehicle shall overtake and pass any other when the view ahead is not clear for at least 100 yards.*

17. Every motor vehicle, when moving in defiles, canyons, or mountain passes where curvature of the road or highway prevents a clear view for a distance of 100 yards, shall be held under control and not permitted to coast, and shall in approaching all curves give signals with frequent blasts or strokes of horn, bell, whistle, gong, or other signaling device of its approach, and upon all curves to the right shall keep to the inside of said curves, and upon all curves to the left shall keep to the outside of said curves.

18. No race or contest of speed shall be held upon any road, street or highway in this state without the authority of the state, county, city or other officials having jurisdiction of same, and unless the whole course of such race or contest is efficiently patrolled.

19. Upon all narrow ways in parks, passes and defiles not otherwise herein provided for, all vehicles shall proceed in one direction only and as the signboards and conspicuously displayed regulations upon such narrow ways in parks, passes and defiles so located shall then define. The direction in which all vehicles shall so proceed may be declared by park commissioners in parks and by county or highway district commissioners with respect to narrow passes and defiles within their respective jurisdictions; and when so declared shall be so conspicuously marked with signs as to indicate the rule and regulation in regard thereto and the direction in which all vehicles shall travel.

20. No vehicle shall be moved, run or operated on the roads, streets or highways of this state by any person unable or incapable to control and properly operate the same with due regard to the safety of the public and other vehicles.

21. No vehicle shall be operated with an excessively smoking exhaust upon any road, street or highway in this State.

22. Ambulances, while being operated as such, and vehicles for the use of doctors, physicians and surgeons, shall while answering emergency calls only, be exempt from the provisions of this chapter as to speed, but not to traffic regulations, where preference for right of way can be given them with due regard to the safety of the public; provided that each of the same shall bear a red cross conspicuously placed.

23. Patrol wagons, police ambulances, fire patrols, fire engines and fire apparatus shall in all cases, with due regard to the safety of the public, have right of way, all pro-



*visions of this chapter to the contrary notwithstanding, but this act shall not protect the driver of any such vehicle from consequence in the arbitrary exercise of this right or for injuries wilfully inflicted.*

24. *In all localities where an authorized officer, marshal, constable or policeman, conspicuously displaying his star and then discharging the duty of regulating and directing traffic in his locality, shall signal any vehicle to take any direction or to stop or otherwise proceed for the safety of the public, it shall be the duty of the driver of such vehicle to obey said direction and to comply with the orders of said authorized officer in that behalf.*

25. *Should any pedestrian or other object, through want of care or other cause, come in contact with a moving vehicle in the roads, streets or highways of this state, it shall be the duty of such vehicle to stop and of the owner or operator thereof to ascertain the name of the person or object and to render such aid and assistance as may be required, and in case of collision or other accident to render like assistance to the colliding vehicle or vehicle struck, as the case may be, and to the occupants thereof as may be necessary, taking the name of the vehicle, its number, the time, the place and other data concerning the accident or event, with the names of the witnesses present, and likewise giving his own name and number for identification. Each and all of said information, however, shall not be construed or determined as fixing liabilities in either case for fault or negligence of either party, but shall be a means of identifying the facts and circumstances only; and neither party to a collision or consequence resulting from a mistake in judgment or arising from accident shall move away from the place of its occurrence without complying with this section, and if this complying with this section, however, is not done it shall be a violation of this act and punished accordingly as herein provided, and in civil action for damages, shall be construed as an evidence of fault.*

Approved March 3, 1919.

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## CHAPTER 156.

(H. B. No. 75.)

### AN ACT

AMENDING SECTION 63:7b OF THE COMPILED LAWS OF IDAHO; PRESCRIBING THE METHOD OF RECEIVING AND

AWARDING STATE HIGHWAY CONTRACTS, AND PROVIDING THAT WORK MAY BE DONE BY DAY LABOR WHEN NO SATISFACTORY PROPOSALS ARE RECEIVED; AND PROVIDING FOR THE FILING OF A BOND BY THE CONTRACTOR.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 63:7b of the Compiled Laws of Idaho (Page 386) is hereby amended to read as follows:

63:7b Whenever work is required to be let by contract, as provided in the foregoing section, sealed bids must be called for by public advertisement, in at least three consecutive weekly issues in a weekly newspaper or five issues in a daily newspaper, having a general circulation in the county where the work is to be done.

Each bid must be accompanied by a certified check in favor of the Commission on some bank in the State of Idaho for the sum of five per cent (5%) of the amount of the bid, to be forfeited if the bidder, upon the acceptance of his bid, fails or refuses to enter into a contract within five days after presentation of the contract by the Commission to him for execution or to furnish the railroad bond. The checks of unsuccessful bidders shall be returned immediately after the contract is awarded.

Bids must be opened publicly at the time and place specified in the advertisement and the contract let to the lowest and best bidder, but the Commission has the right to reject any and all bids, or to let the contract for a part of all of the work.

If no satisfactory bid is received, new bids may be called for, or the work may be performed by day labor, as may be determined by the Commission.

Approved February 25, 1919.

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## CHAPTER 157.

(H. B. No. 76.)

### AN ACT

AMENDING SECTION 962 OF THE COMPILED LAWS OF IDAHO; PROVIDING A PENALTY FOR DAMAGES TO HIGHWAYS BY LIVESTOCK, AND CHARGING COUNTY, HIGHWAY DISTRICT AND STATE HIGHWAY OFFICIALS WITH THE ENFORCEMENT HEREOF.



*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 962 of the Compiled Laws of Idaho (Page 329) is hereby amended to read as follows:

962. Any person or persons owning livestock or the employees, agent or agents of such owners of livestock, who shall drive, range or graze the same along or across the public highways or ditches, or who shall permit the same to range or graze along or across the public highways or ditches of this state, and thereby obstruct or partially obstruct the same, by rolling rocks, brush or other debris therein, or destroy or injure any grades, ditches, bridges or approaches to bridges therein, shall, immediately thereafter, repair such highway or ditch, and the damage so done, at their own expense. Any such person or persons, employees, agent or agents, of such person or persons owning livestock, who shall wilfully refuse or neglect to repair any and all damage so done to the highways or ditches of this state, *within twenty-four hours thereafter if such person is a nonresident of the county and within five days thereafter, if he is a resident of the county*, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not less than \$25, and not more than \$300, or be imprisoned in the county jail for a period not exceeding six months, or be punished by both such fine and imprisonment.

All county commissioners, road supervisors, highway district commissioners, good roads district commissioners, and state highway commissioners and their deputies, are hereby *directed to supervise the enforcement of this section.*

SEC. 2. This Act shall take effect upon the first day of August, 1919.

Approved March 6, 1919.

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## CHAPTER 158.

(H. B. No. 77.)

### AN ACT

REENACTING CHAPTER 8 OF THE SESSION LAWS OF 1917,  
AS SECTION 882d OF THE COMPILED LAWS OF IDAHO,  
RELATING TO THE JURISDICTION OF COUNTY COMMISSIONERS OVER HIGHWAYS IN ADJOINING COUNTIES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Chapter 8 of the session laws of 1917 is hereby reenacted as section 882d of Compiled Laws of Idaho to read as follows:

“Section 882d. Jurisdiction in adjoining counties; The board of county commissioners of each county in the State of Idaho shall have the right and they are hereby authorized and empowered to lay out, build, repair, improve and maintain roads, highways and bridges in any adjoining county whenever it shall appear to the board of a particular county that the laying out, building, repairing, improving or maintaining of roads, highways and bridges in any adjoining county is or will be in the interest of such particular county or of benefit to the people thereof; Provided, That the expense thereof shall be paid out of the general road fund of the county whose board orders and contracts such work to be done, and Provided, further, That such road, highway or bridge work shall not be done in any adjoining county by a particular county in any case where the doing thereof would in any manner impair the credit of such adjoining county or injure its property or be detrimental to the interest of its citizens.

“At least 30 days before the board of county commissioners of a particular county shall proceed to do any work in any adjoining county under the provisions of the foregoing section it shall cause to be served a notice in writing on the chairman or clerk of the board of county commissioners of such adjoining county of its intent to do such work, particularly describing the nature, scope and kind of work to be done in such adjoining county, giving the approximate cost of such work, the place or places where such work is to be performed, the approximate time such work will be commenced and the approximate time that will be required to complete said work.”

Approved February 19, 1919.

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## **CHAPTER 159.**

(H. B. No. 78.)

### **AN ACT**

INSERTING AS SECTION 17a (78a) OF CHAPTER 500 OF COMPILED LAWS OF IDAHO THE TITLE OF A LOCAL AND SPECIAL LAW OMITTED FROM THE ENUMERATION OF SUCH LAWS IN SAID CHAPTER.



*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That the following entitled act be inserted in the enumeration of special and local laws as section 17a (78a) of chapter 500 of the Compiled Laws, as follows:

"500:17a (78a). An Act amending an act providing for the issuance of state bonds in the sum of \$200,000 for state highways, approved March 13, 1913 (500: 17a: 75), amendatory act approved March 7, 1915. ('15,c. 36, p. 115.)"

Approved February 19, 1919.

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## CHAPTER 160.

(H. B. No. 80.)

### AN ACT

TO AMEND SECTION 1299 K OF CHAPTER 75 OF THE COMPILED LAWS OF IDAHO—RATES FOR CARE AND ADVERTISING ESTRAY ANIMALS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 1299K of Chapter 75 of the Compiled Laws of Idaho, be amended to read as follows:

Section 1299 K. For the feeding and caring for such animals, the person taking it or them up shall receive *twenty-five (25) cents per head per day for cattle and horses and ten (10) cents per head per day for other animals*, from the time of giving notice to the constable or sheriff until he surrenders possession thereof; the constable or sheriff shall receive *like costs* for the time he has such animal or animals in his possession; *for writing and sending notices to the County Recorder he shall receive 50 cents; for selling the said animal or animals, he shall receive \$1.00 for the first head, and 50 cents per head for each additional animal sold at the same time and place. The Recorder shall receive 50 cents for such notice sent; the publishers shall receive legal rates for advertising each animal.*

Approved March 11, 1919.

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## CHAPTER 161.

(H. B. No. 90.)

### AN ACT

TO PROVIDE FOR THE PROTECTION, RECEIVING, CARING

FOR, AIDING, PLACING OUT FOR ADOPTION AND CONSENTING TO THE ADOPTION OR IMPROVING THE CONDITION OF THE ORPHAN, HOMELESS, NEGLECTED, DEPENDENT, ABANDONED OR ABUSED CHILD, CONFERRING AUTHORITY UPON CHARITABLE SOCIETIES DULY ORGANIZED AND EXISTING UNDER THE LAWS OF IDAHO FOR THE PURPOSE OF RECEIVING, CARING FOR, PLACING OUT FOR ADOPTION AND CONSENTING TO THE ADOPTION OR IMPROVING THE CONDITION OF MINOR CHILDREN; CONFERRING POWER UPON THE JUDGES OF THE PROBATE COURTS AND THE COUNTY COMMISSIONERS; PROVIDING FOR THE PUNISHMENT OF PERSONS INDUCING A CHILD TO LEAVE THE PERSON, INSTITUTION OR SOCIETY UNDER WHOSE CONTROL IT IS, AND REPEALING CHAPTER 346 OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Any benevolent or charitable society incorporated under Chapter 215 of the Compiled Laws of Idaho, all the officers and agents of said society to be residents of the State of Idaho, and having for its object the receiving, aiding, caring for, placing out for adoption and consenting to adoption or improving the condition of the orphan, homeless, neglected or abused children of this State, shall have authority to receive, control, train, educate, aid, care for, dispose of, place out for adoption and consent to the adoption of children under eighteen years of age under the following provisions:

(a) When the father and mother or person or persons legally entitled to act as guardian of any minor child shall, in writing, surrender such child to the charge and custody of such society the child shall thereafter be in the legal custody of the society for the purpose herein stated: Provided, That in case of the death or legal incapacity of the father, then the mother alone shall have the authority to make such surrender, and in the case of the death or legal incapacity of the mother, then the father alone shall have authority to make such surrender of such a child.

(b) When there is in the county any child under the age of eighteen (18) years (1) who, being an orphan, is destitute or homeless, or (2) who, having been abandoned by its parents, is dependent upon the public for support, or (3) of whom the parents or guardian have for the period of six months wilfully neglected to take reasonable care, or (4) for whom the parents, because of mental incompetency,



physical disability, slothfulness, drunkenness or the habitual use of narcotics or other dissipation or their immoral practices or standards are failing and will probably continue to fail to care and provide for, or (5) who is in the care and custody of depraved or habitually vicious, immoral, corrupt, drunken, cruel or indigent persons, whether they be parents, guardians or other custodians, or (6) who is constantly or frequently subjected to or who is surrounded by vicious, corrupt, or immoral influences, or (7) who is habitually permitted or required to frequent public places, either alone or with others, for the purpose of begging or securing alms or to frequent the company of or to consort with reputed thieves or prostitutes, either alone or with its parents or other custodians, or (8) who is permitted or required to play any instrument of music or to sing in pool halls or on the streets or public highways, for hire, or (9) who being the child of any person confined in any penal, charitable or state educational institution in the State for the period of more than six months, is left without reasonable care and protection or lawful guardian or next of kin who is able and willing to give it proper care.

SEC. 2. When any child shall have been surrendered in accordance with subdivision (a) of Section 1 of this Act and such child shall have been accepted by such society as herein provided under said subdivision, then the rights of its natural parents, guardian of its person, if any, or other custodian shall cease, and such society shall become entitled to the custody and control of such child and shall have authority to care for, educate, train, place out temporarily or for adoption in a suitable home and to consent to its adoption under the laws of Idaho in such a manner as shall best secure its welfare. Children of the classes described in subdivision (b) of Section 1 shall be subject to the control and disposition of the courts, as hereinafter provided.

SEC. 3. The probate courts of the several counties in this State shall have jurisdiction in all cases coming within the terms and provisions of this Act. Record books shall be kept by the court for all cases coming within the provision of this Act, to be known as "The Dependent Child Record," and the docket or calendar upon which shall appear the case or cases under the provision of this Act shall be known as "The Dependent Child Docket." Between the first and thirtieth days of October of each year the court shall submit to the Governor a report in writing upon blanks to be furnished by the State showing the number and disposition of dependent children, as provided by this

Act, brought before such court, together with other useful information regarding such cases and the parentage of such children as may be reasonably obtained at the trials thereof: Provided, That the name or identity of any such child or children shall not be disclosed in such reports and such reports shall not be published at state expense.

SEC. 4. Any person may file a verified petition in writing in the probate court showing that there is within the county a child falling within one of the classes described in Section 1, Subdivision (b) hereof, (naming it) or stating that its name is unknown to petitioner and that it is for the interest of the child and of this State that such child shall be taken from its parents, guardian or custodian and placed under the guardianship of some reputable person of good moral character or some suitable institution or under the care and custody of some society organized and existing under the laws of this State having as one of its objects the receiving, caring for, placing out for adoption and consenting to the adoption of children or for the improving of the condition of the homeless and neglected children, such person, institution or society to be designated by the court. In addition to the showing of the place where the child is kept and of the facts bringing it within one of the classes defined in Section 1, Subdivision (b), the petition should set forth the name and residence of the parents, guardian or custodian of such child, if known to the petitioner, and all persons, if any, whose names are stated in the petition to be unknown to the petitioner, shall be deemed and taken as parties by name or designation of "To Whom It May Concern."

SEC. 5. Upon the filing of such a petition the judge or clerk of the probate court shall issue a "Notice and Citation," requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the "Notice and Citation." Service thereof shall be made upon such person and upon the parents of the child, if living and the residence known, and upon its legal guardian, if there is known to be one, and if his residence be known or if there is neither parent nor guardian, or if their residence is not known, then on some relative in the county, if there is known to be one, and his residence is known. If the person having custody or charge of the child shall, without reasonable cause, fail to appear and abide the order of the court or bring the child, he shall be proceeded against as for contempt of court. And the court may, in its discretion, take possession and charge



of such child during the pendency of the proceeding and may enjoin its removal from the county, and to that end it may issue and enforce such orders, writs and process as may be deemed appropriate and necessary to or against the child and the custodian thereof and all persons related thereto or having any rights or interest therein. Final hearing upon such petition shall not be had until at least five days after the service of such notice and citation, which may be made anywhere in the State by handing a copy thereof personally to the person to be served, and if the original is not served upon any or all the parties, other notices and citations may be issued by the judge or clerk of the probate court and served. Such notice and citation may be served by any sheriff, probation officer or constable or by any other person over the age of twenty-one years and a citizen of this State. The return of such notice and citation with the endorsement of service thereon by any such officer or with an affidavit of service by the person so designated, in accordance with the provisions of this Act to make service, shall be deemed sufficient proof of service thereof. Such notice and citation shall be directed to the parent, parents, guardian, custodian or other person or persons claiming the right to the custody and control of the child, if their names are known and if not known, the phrase "To Whom It May Concern" shall be used and applied to and be binding upon such persons whose names are unknown. The name of the court, the name of the child or children, if of one family, the date of filing the complaint or petition and the date for appearance and answer, which shall not be less than five or more than fifteen days from the date of personal service or of the last publication, and the object of the proceedings in general terms shall be set forth and the whole shall be subscribed by the probate judge.

The notice and citation shall require all persons interested, who shall be known as defendants, to answer the petition within such time (but not less than five nor more than fifteen days) after service, as may be prescribed in the notice and citation.

SEC. 6. In any case where it appears by affidavit that a parent or guardian or other person having the custody and control of the person of any child or any other proper defendant is a non-resident of this State or has departed from this State or cannot, after due diligence, be found within this State, (an affidavit setting forth in ordinary and concise language any of the grounds as above set forth upon which the publication of the Notice and Citation is asked

for shall be sufficient without setting forth or showing what efforts have been made or what diligence has been exerted in attempting to find the parties) or conceals himself therein to avoid the service of the notice and citation as provided by this Act, the probate court may make an order for the publication of such notice and citation for a period of not less than ten days, if published in a daily newspaper, and not less than two consecutive issues, if published in a weekly newspaper printed in the county and having a general circulation therein, if there be one printed in the county, if none, then in such paper as the court may direct.

There shall be filed with said court an affidavit of the printer or his foreman or principal clerk showing due publication of the notice and citation as provided herein, and the cost of the publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices.

Such publication of such notices and citation shall be deemed equivalent to personal service upon the persons known or unknown who have been designated as provided herein and the service of the notice and citation is complete at the expiration of the time prescribed by the order for publication.

In addition to the publication of the notice and citation, the court must direct a copy of the notice and citation or petition to be forthwith deposited in the postoffice, directed to the person or persons to be served at their last known place of residence, if their names and postoffice addresses are known.

SEC. 7. On the date set for the hearing of such petition or as soon thereafter as may be the court shall proceed to hear and dispose of the case without a jury, and if it appears to the court that the child comes within one of the classes defined in Section 1, Subdivision (b) hereof, then the court may make an order removing such child from the custody and control of its parent or parents, guardian or other custodian and committing it to the care of some reputable person of good moral character or to some suitable institution or to some society organized and existing under and by virtue of the laws of this State embracing as one of its objects the purpose of caring for, placing out for adoption and consenting to the adoption of any such child, as provided in this act.

Pending the final disposition of the case the child may,



by order of the court, remain in the possession of the person having control of the same or may be kept in some suitable home under the supervision of the probation officer or any other suitable person or may be placed with some society having for its object the care and disposition of homeless and dependent children, as herein provided.

SEC. 8. In every case where the court shall make an order, as provided in the foregoing sections, removing a child from its parents, guardian or custodian and committing it to the care of some person, institution or to some society, as herein provided, the child shall, unless otherwise ordered, become a ward of and be subject to the guardianship of such person, institution or society until it shall have reached the age of eighteen years, and all the rights and powers of the parents, guardian or custodian in respect to the care and disposition of such child shall be vested in such person, institution or society, who shall have the authority to care for, control, educate, place out temporarily or for adoption in some suitable home as approved by such person, institution or society and to consent to its adoption: Provided, That no order for permanent adoption of such child shall be made until the expiration of three months after the date of the order of commitment, and the court making the commitment may, in the order of commitment, but not otherwise, extend this time to not exceed altogether the period of six months. And at any time within such period, upon petition filed for that purpose, said probate court of original jurisdiction may, for good cause shown and upon such terms as it may deem just as to reimbursement for the care of such child in the meantime, vacate the order of commitment and direct the return of the child to its parents or guardian or other custodian. Such petition must be verified and must be filed within the specified period and must show that since the order of commitment was made the condition and disposition and status of the parents or the custodian had so changed that it would be for the best interests of the child to return to its parents or such custodian. Notice of ten days of the hearing of such petition must be given to the person, institution or society having the custody and possession of the child. If upon the hearing the court finds that the well being of the child will be subserved by revoking the commitment, an order may be made to that effect: Provided, that reimbursement be first made to the person or society for the care and keeping of the child.

Such petition or a copy thereof must be served upon the

person, institution or society having the care and custody of said children, and such person, institution or society shall have at least ten days in which to answer the same.

The order of adoption made by the court having jurisdiction will be binding upon the child, its parents, guardians and other persons the same as if such persons were in court and consented thereto, whether made a party to the proceedings or not.

SEC. 9. The hearings of such cases either for commitment or adoption may be conducted in any room provided for the purpose in the court house or building where sessions of the court are held, and in so far as practicable such cases shall not be heard in conjunction with the other business of the court. At the hearing of any case involving a child, as herein provided, the court shall have power to exclude the general public from the room where the hearing is had, admitting thereto only such persons as may have direct interest in the case. Any child may have a private hearing on the question of its dependency upon the request of said child or either of its parents, guardian or custodian. The investigation and record in each case shall be withheld from public inspection, but such record shall be open to inspection of such child, its parents or guardian or its attorney or to such other persons who may secure a special order of the court therefor.

SEC. 10. When any officer or agent of such institution or society as designated in this Act or any citizen of this State shall request a police officer or other peace officer or probation officer in this State to investigate or assist in the investigation of any alleged case of neglected or abused child, such officer must immediately make or assist in such investigation, and if he deem it proper shall forthwith take such child into custody without warrant and report such case at once to the probate judge for such proceedings as may be proper under the provisions of this Act.

SEC. 11. When any minor child under eighteen years of age shall be convicted of any charge the punishment for which may be imprisonment or confinement in the Industrial Training School the probate judge, if he finds that the good of such minor child demands it or such minor child is an orphan or a homeless, neglected or abused minor child, within the terms of this Act, or is a county charge or the parents or guardian of such minor child consent thereto, may suspend sentence and surrender the custody of such minor child to any institution or society as is contemplated in this Act when such institution or society is



willing to receive such minor child until such time such minor child shall attain the age of eighteen years or for the term of years to be fixed in the order of surrender and such society may find a home for such minor child and surrender his custody to the person providing such home for the fixed term in such order of surrender, which surrender by said society shall be approved by the order of said court: Provided, That nothing in this Act shall be held to affect the natural rights of said minor child or his parents or guardians except in the matter of his custody: And, Provided further, That if said minor child shall fail to conform to the order of the court fixing custody, he may be apprehended and brought before the court and the court may sentence said minor child as provided by law or surrender him as the court may deem best for the interest of said minor child.

SEC. 12. Nothing in this Act shall be construed to give the person, institution or society designated under this Act the guardianship or control of the estate of the child.

SEC. 13. Upon the hearing of any writ of habeas corpus for the custody of any such child if it appears that such child has been surrendered or committed to any such person, institution or society, under the provisions of this Act, such surrender or commitment shall be taken as prima facie evidence that the child was legally and properly surrendered or committed to such person, institution or society and that such person, institution or society is entitled to the custody and control of such child under the provisions of this Act.

SEC. 14. The board of county commissioners of any county, upon the application of any society contemplated in this Act and incorporated and existing under the laws of this State and having an institution in this State and none other, may make an order for the payment by the county of \$10.00 per month for each child so cared for or aided to such society for the receiving, aiding, caring for or placing out for adoption and consenting to the adoption or improving the condition of the orphan, homeless, neglected or abused children of this State coming from said county. Said provision shall apply to all cases where the child is either surrendered under Subdivision (a) or committed under Subdivision (b) of Section 1 of this Act.

The board of county commissioners shall pay the expense of bringing the child before the court and caring for it pending a hearing under the provisions of this Act.

When a child is surrendered or committed to a society under the provisions of this Act by the probate court of any county the county shall pay to such society the sum of \$25.00 to cover the incidental expenses of taking such child, and in addition to such sum the railroad fare to the home of such society.

No clerk, sheriff, police officer, probation officer or county commissioner or any agent of such society shall charge or be allowed any costs whatever in any proceedings herein provided for, except where a petition shall be judged to be without probable cause and malicious, in which event all the costs shall be taxed against the complainant.

Any child shall be deemed to belong to the county in which said child has been a bona fide resident for a period of thirty days immediately preceding said surrender of commitment, but in the absence of evidence to the contrary residence of thirty days in the county from which the child was taken in custody shall be presumed.

SEC. 15. In the trial of cases under this Act the court shall have the right to select a discreet man or woman as an officer of the court who shall have the power to visit the home the child or children may be in and investigate the conditions and report to the court his or her findings.

SEC. 16. Probation officers are hereby vested with all powers and authority of sheriffs, constables and other peace officers to make arrests or investigations and perform other duties incident to the office of probation officers in carrying out the provisions of this Act.

SEC. 17. It shall be unlawful for any person to induce any child or for any child so surrendered or committed to leave the person, institution or society or for any person to induce or attempt to induce a child to leave such person, institution or society who has the care, custody and control of such child as provided herein, and any person who violates the provisions of this Act shall be guilty of a misdemeanor. Any violation of this section shall be considered a crime subject to extradition.

SEC. 18. All orders of final judgment made by any court or the judge thereof adverse to the parents, guardian or custodian of the child, as provided by this Act, may be appealed to the district court, such appeal to be governed by the laws relating to appeals from probate and justices' court to the district courts in civil actions, provided by Article 4 of Chapter 318 of the Compiled Laws of Idaho, excepting there shall be no bond or costs required of the



appellant. The trial in the district court shall be anew and without a jury.

That during such appeal the child shall be subject to the order of the probate court and that such order of the court shall remain in full force and effect until the matter has been finally adjudicated, unless otherwise ordered by the judge of the district court.

SEC. 19. It shall be the duty of the prosecuting attorney to prosecute all cases in behalf of the petitioner arising in his county under the provisions of this Act, but the petitioner shall have the right to be represented by private or special counsel at his own expense.

SEC. 20. Words used in this Act have the following meaning:

The word "child" or "children" may mean one or more children.

The word "parent" shall include "parents."

The word "court" means either "court" or "judge."

The word "abandonment," for the purpose of this Act, implies an intent to repudiate all obligations, both present and future, and a parent entertaining such a wrongful intent shall be deemed to have forthwith forfeited and waived all rights.

SEC. 21. This Act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and control of the child shall be approximately that which should be given by its parents, and that in all cases of dependency the child shall, when such cases are practicable, be placed in some suitable and approved family home and become a member of a home and family by legal adoption or otherwise.

SEC. 22. If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional by any court of competent jurisdiction, the validity of the remaining parts of this Act shall not thereby be effected or impaired.

SEC. 23. This Act is intended and shall be considered to repeal all existing laws in conflict with this Act, but as to all other laws it shall be considered accumulated and not exclusive.

Approved March 6, 1919.

**CHAPTER 162.**

(H. B. No. 95.)

**AN ACT**

TO PROVIDE THE HOURS FOR CLOSING OF BARBER SHOPS  
IN ALL CITIES OF THE FIRST AND SECOND CLASS IN  
THE STATE OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SEC. 1. It shall be unlawful for any person or persons in the State to keep open for business or to work at the barber's trade in any city of the first or second class after the hour of seven o'clock P. M. on any working day.

PROVIDED HOWEVER, that on Saturday *and the day preceding each legal holiday* said barber shops may be kept open for business until ten o'clock P. M.

SEC. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Approved March 3, 1919.

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**CHAPTER 163.**

(H. B. No. 98.)

**AN ACT**

PROVIDING FOR THE CREATION OF A COMMISSION ON UNIFORM STATE LAWS, THE APPOINTMENT OF COMMISSIONERS THERETO, AND THE PAYMENT OF THE EXPENSES OF SUCH COMMISSIONERS AND CONTRIBUTION TO THE SUPPORT OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Appointment of commissioners. The governor shall appoint three commissioners, each of whom shall be a member of the bar of this State, in good standing, who shall constitute and be known as the Commission on Uniform State Laws, and upon the death, resignation or refusal to serve of any of the commissioners so appointed, the governor shall make an appointment to fill the vacancy so caused, such new appointment to be for the unexpired balance of the term of the original appointee.



SEC. 2. Term of office. Each of said commissioners shall hold office for a term of four years, and until his successor is duly appointed, but nothing herein contained shall be construed to render a commissioner who has faithfully performed his duties ineligible for reappointment. No member of said commission shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements for expenses in performing the duties of his office.

SEC. 3. Meeting and organization. The commissioners shall meet at the state capitol at least once in two years and shall organize by the election of one of their number as chairman and another as secretary, who shall hold their respective offices for a term of two years and until their successors are elected and qualified.

SEC. 4. Duties of commissioners. It shall be the duty of each of said commissioners to attend the meeting of the National Conference of Commissioners on Uniform State Laws, or to arrange for the attendance of at least one of their number at such national conference, and both in and out of such national conference they shall do all in their power to promote uniformity in state laws, upon all subjects where uniformity may be deemed desirable and practicable. Said commission shall report to the legislature at its next session, and from time to time thereafter as said commission may deem proper, on account of its transactions, and its advice and recommendations for legislation. This report shall be printed for presentation to each legislature. It shall also be the duty of said Commission to bring about as far as practicable the uniform judicial interpretation of all uniform laws, and generally, to devise and recommend such additional legislation, or other or further course of action as shall tend to accomplish the purposes of this act.

SEC. 5. Appropriation. For the biennium ending Dec. 31, 1920, there is hereby appropriated out of any funds in the hands of the state treasurer not otherwise appropriated:

|                                                                                                                                 |           |
|---------------------------------------------------------------------------------------------------------------------------------|-----------|
| For the payment of the expenses of commissioners,<br>as provided in section 2 of this act.....                                  | \$ 500.00 |
| For the payment to the National Conference of<br>Commissioners on Uniform State Laws of an<br>annual contribution of \$100..... | 200.00    |
| For the printing of the commission's report to the<br>legislature .....                                                         | 50.00     |
| Approved March 7, 1919.                                                                                                         | \$ 750.00 |

**CHAPTER 164.**

(H. B. No. 101.)

**AN ACT**

TO AMEND SECTION 16 OF CHAPTER 62 OF THE COMPILED LAWS OF IDAHO, RELATING TO THE COSTS OF HIGHWAYS AND PROVIDING THAT THEY MAY BE DIVIDED EQUITABLE BETWEEN COUNTIES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 16 of Chapter 62 of the Compiled Laws of Idaho be amended to read as follows:

Section 16, Chapter 62. In case the construction, maintenance, repair or improvement of any highway, or portion thereof, within a county and not included within a highway district in such county, would also be for the benefit of such highway district, and the cost of such construction, maintenance, repair or improvement would, if borne wholly by such excluded portion, be an unjust or unreasonable burden thereon, or in case the construction, maintenance, repair or improvement of any highway, or portion thereof, within a highway district would also be for the benefit of a portion or portions of such county which are not included in such highway district, and the cost of such construction, maintenance, repair or improvement would, if borne wholly by such highway district, be an unjust or unreasonable burden thereon; in either of such cases the Highway Board on the one hand, and the Board of County Commissioners on the other, shall have power to contract each with the other for a division and apportionment of the cost of such construction, maintenance, repair or improvement. And in case they fail to agree an action may be maintained in the District Court of the district, between such highway district and the county, and the District Court shall render such judgment therein as shall be just and equitable in respect to such division and apportionment of cost; and all proceedings in such action shall be the same as in ordinary civil actions, with the same right of appeal and other rights and remedies as in an ordinary civil action by or against a body politic or political subdivision.

*Where a highway traverses two or more highway districts or good road districts, or a highway district and a good roads district, and the cost or burden would be inequitably distributed if each district assumed the cost of construction, improvement, maintenance or repair of that*



*portion of the highway lying wholly within the district, the commissioners of the district affected shall have power to contract with each other for the division and apportionment of the cost of such construction, maintenance, repair or improvement; and, if such highway also traverses portions of the county not included within any highway or good roads district, or, if in the opinion of the board of county commissioners the construction, improvement, maintenance or repair of such highway is of such benefit to the county at large that a portion of the cost should be borne by the county, then in either of such cases the board of county commissioners and the respective boards of district commissioners shall have power to contract with each other for the construction, improvement, maintenance and repair of such highway.*

Approved March 3, 1919.

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## CHAPTER 165.

(H. B. No. 104.)

### AN ACT

AMENDING SECTION 12 OF CHAPTER 79 OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 12 of Chapter 79 of the Compiled Laws is amended to read as follows:

**"79:12. SALE OF GRADED AND UNGRADED PRODUCTS.** Whenever any standard for the grade or other classification of any farm product becomes effective under this acticle, no person thereafter shall pack for sale, offer to sell or sell within this state any such farm product to which such standard is applicable unless it conforms to the standard, subject to such reasonable variations therefrom as may be allowed in the rules and regulations made under this acticle: Provided, That any farm product may be packed for sale, offered for sale or sold without conformity to the standard or grade or other classification applicable thereto *when such product will be consumed or used for manufacturing purposes wholly within this State*, if it is not specifically described as state graded or packed under state standard, in accordance with such regulations as the director may prescribe."

Approved February 20, 1919.

**CHAPTER 166.**

(H. B. No. 113.)

**AN ACT**

DEFINING THE CRIME OF KIDNAPPING AND PRESCRIBING THE PUNISHMENT THEREOF; AMENDING SECTIONS 6584 AND 6585 OF CHAPTER 406 OF THE COMPILED LAWS, AND REPEALING SECTION 6800 OF SAID CHAPTER.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 6584 of Chapter 406 of the Compiled Laws is amended to read as follows:

“Section 6584. KIDNAPPING DEFINED. Every person who wilfully:

“1. Seizes, confines, inveigles or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this state, or to be sent out of this state, or in any way held to service or kept or detained against his will; or,

“2. Leads, takes, entices away or detains a child under the age of sixteen years, with intent to keep or conceal it from its parent, guardian or other person having lawful care or control thereof, or to extort or obtain money or reward for the return or disposition of the child, or with intent to steal any article upon the person of the child; or,

“3. Abducts, entices or by force or fraud unlawfully takes or carries away another at or from a place without the state, or procures, advises, aids or abets such an abduction, enticing, taking or carrying away, and afterwards sends, brings, has or keeps such person, or causes, him to be kept or secreted within this state, is guilty of kidnapping.”

SEC. 2. Section 6585 of chapter 406 of the Compiled Laws is amended to read as follows:

“Section 6585. PUNISHMENT. Kidnapping is punishable by imprisonment in the state prison not less than one nor more than 25 years.”

SEC. 3. Section 6800 of chapter 406 of the Compiled Laws is hereby repealed.

Approved March 3, 1919.



**CHAPTER 167.**

(H. B. No. 114.)

**AN ACT**

**REGULATING THE PRACTICE OF CHIROPRACTIC AND LICENSING OF CHIROPRACTORS; PRESCRIBING THE DUTIES OF THE DEPARTMENT OF LAW ENFORCEMENT IN RELATION THERETO AND PROVIDING A PENALTY FOR PRACTICING CHIROPRACTIC IN VIOLATION OF THE PROVISIONS HEREOF.**

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. *Regulation of chiropractic: Scope of act.* The practice of chiropractic in this state is subject to the regulations prescribed in this act. Nothing herein shall be held to apply to, interfere with or prohibit any other method of science of healing, *or to permit chiropractors to prescribe medicine, perform surgical operations or practice obstetrics.*

SEC. 2. *License a prerequisite to practice.* It is unlawful for any person to practice chiropractic unless he shall obtain a license so to do, as provided in this act.

SEC. 3. *Powers and duties of department of law enforcement in relation to practice of chiropractic.* The department of law enforcement (hereinafter referred to as the department) shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice chiropractic; to pass upon the qualifications of applicants for reciprocal licenses.

2. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice chiropractic.

3. To prescribe rules and regulations defining, for the chiropractors what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing and to determine the reputability and good standing of a school, college or university, or department of a university, or other institution, by reference to a compliance with such rules and regulations.

4. To establish a standard of preliminary education deemed requisite to admission to a school, college, or university, and to require satisfactory proof of the enforce-

ment of such standard by schools, colleges and universities.

5. To conduct hearings on proceedings to revoke licenses, or persons practicing chiropractic and to revoke such licenses.

6. To formulate rules and regulations when required in any act to be administered.

Except as to the licensing of persons authorized to continue the practice of chiropractic without examination under the provisions of section 7a hereof, none of the above enumerated functions and duties shall be exercised by the department except upon the action and report in writing of persons designated from time to time by the commissioner of law enforcement to take such action and to make such report as follows: Three persons each of whom shall be a graduate of a reputable school of chiropractic and a resident licensed chiropractor who shall have been continuously engaged in the practice of his profession for a period of at least one year before his designation. No two persons designated shall be graduates from the same school. Such persons shall be allowed their actual expenses incurred in the performance of their duties and a per diem allowance, which shall not exceed the sum of \$5 per day for each day of actual service.

The action or report in writing of a majority of the persons designated for the chiropractors shall be sufficient authority upon which the commissioner of law enforcement may act.

In making the designation of persons to act for the chiropractors the commissioner shall give due consideration to recommendations by members of the chiropractic profession and by organizations therein.

Whenever the commissioner is satisfied that substantial justice has not been done either in an examination or in the revocation of a license, to practice chiropractic he may order reexamination or rehearings by the same or other examiners.

All licenses for the practice of chiropractic shall be issued by the department of law enforcement in the name of such department, with the seal thereof attached.

SEC. 4. *Register.* The department shall keep on file a register of all applicants for license, rejected applicants and licentiates.

SEC. 5. *Fees.* The department is authorized to charge



every applicant for a license, whether required to take an examination or not, a fee of \$35, one-half of which shall accompany the application and the other half of which shall be payable upon the issuance of the license.

SEC. 6. *Application for license.* Application for license shall be made in writing, under oath at such time, in such form and accompanied by such proof of the applicant's fitness to practice as the department may from time to time prescribe.

SEC. 7. *Prerequisite qualifications of applicants.* Every applicant for a license to practice chiropractic shall be a person of good moral character and a graduate of a legally chartered school or college of chiropractic which was in good standing at the time of issuing said diploma, and which maintained a curriculum requiring resident attendance of not less than three years or not less than six months each or the equivalent thereof.

SEC. 7a. *Regulation of chiropractors now practicing.* Any person who is a graduate of a reputable school of chiropractic who was established in the practice of chiropractic within this state on January 1, 1919, and has been continuously engaged therein since date or who having previously been established in the practice of chiropractic within this state was on said date in the military or naval service of the United States, shall be granted a license without examination: *Provided*, Application therefor is made by him within 60 days after this act takes effect. Any person engaged in the practice of chiropractic who does not possess the prescribed qualifications is subject to examination.

SEC. 8. *Applicants licensed elsewhere.* Any person who is licensed to practice chiropractic under the laws of another state whose minimum requirements are not less than prescribed in this state may, in the discretion of the department, be granted a license without examination.

SEC. 9. *Examinations.* Except as herein otherwise provided, each applicant shall be examined in writing by the department to determine his knowledge of the subjects taught in reputable schools of chiropractic. Examination shall include the following subjects: anatomy and histology; chemistry; chiropractic jurisprudence; chiropractic orthopody; chiropractic principles; adjustments and diagnosis; dietetics; hygiene and sanitation; nerve tracing; palpation; physiology, symptomology; urinalysis. Additional subjects may be prescribed from time to time by the board to meet new conditions.

No applicant shall be granted a license who shall fail to answer correctly 75 per cent of all questions asked or who shall fail to answer correctly 60 per cent of the questions embraced in any one subject.

In addition to a written examination the department shall examine the applicant in the art and skill of chiropractic adjusting in such manner and by such methods as shall reveal the applicant's ability to practice.

SEC. 10. *Revocation of license.* Every license issued under the provisions of this act shall be subject to revocation by the department upon any of the following grounds:

1. Fraud or deception in procuring the license.
2. Practicing chiropractic under a false or assumed name.
3. Conviction of a crime involving moral turpitude.
4. Habitual intemperance in the use of ardent spirits, narcotics, or stimulants.
5. Immoral, unprofessional or dishonorable conduct manifestly disqualifying the licentiate for the public practice of healing the sick.

In prescribing procedure for the determination of the truth or falsity of any charge against a licentiate having for its purpose the revocation of his license the accused licentiate shall in every case have reasonable notice of and opportunity to appear and be heard at any hearing thereon.

SEC. 11. *Definition of practice of chiropractic.* Any licentiate under this act may adjust any displaced segment of the vertebral column or any tissue related thereto for the purpose of removing occlusion of nerve stimulus in the bodies of human beings, *but nothing herein contained shall allow any licentiate to prescribe medicine, perform surgical operations or practice obstetrics.*

SEC. 12. *Chiropractors subject to public health regulations.* Chiropractors licensed under this act shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases, reporting and certifying deaths and all matters pertaining to public health.

SEC. 13. *Penalty.* Any person who practices or attempts to practice chiropractic, who publicly advertises as a chiropractor or who used the title "Chiropractor", "Doctor of Chiropractic", "Philosopher of Chiropractic" or any other word or title or abbreviation thereof calculated to induce



belief that he is engaged in the practice of chiropractic, without a license, as provided in this act, is guilty of a misdemeanor.

Approved March 11, 1919.

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## CHAPTER 168.

(H. B. No. 115.)

### AN ACT

TO PROVIDE FOR THE ELECTION OF TWO ADDITIONAL JUSTICES OF THE SUPREME COURT AT THE GENERAL ELECTION TO BE HELD IN NOVEMBER, 1920, TO HOLD OFFICE FOR THE TERM OF FOUR AND SIX YEARS RESPECTIVELY, THEIR TAKING OF OFFICE TO BE CONDITIONAL UPON THE ADOPTION AND RATIFICATION OF THE AMENDMENT TO THE CONSTITUTION PROPOSED IN HOUSE JOINT RESOLUTION NO. 6, PASSED IN THE FIFTEENTH SESSION OF THE LEGISLATURE OF THE STATE OF IDAHO PROVIDING FOR AN INCREASE OF THE MEMBERSHIP OF THE SUPREME COURT FROM THREE TO FIVE JUSTICES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There shall be nominated for, and elected at the General Election to be held in November, 1920, in addition to the Justice of the Supreme Court now provided for by law, one Justice for the term of four years, and one Justice for the term of six years. The two said additional Justices to be designated as conditional Justices upon the ballots provided for said election.

SEC. 2. That said justices so elected shall take office on the first Monday of January, 1921, and shall receive the same compensation and be empowered with the same rights, privileges and duties as conferred by law upon the present Justices of the Supreme Court; the taking of office of said additional Justices to be conditional upon the adoption and ratification of the amendment to the Constitution proposed in House Joint Resolution No. 6.

SEC. 3. The secretary of state and the Boards of County Commissioners, and County Auditors of the various counties of the state of Idaho are hereby authorized and directed to make the necessary provisions to carry this Act into effect.

Approved March 3, 1919.

**CHAPTER 169.**

(H. B. No. 116.)

**AN ACT**

TO AMEND SECTION 405 OF THE COMPILED LAWS OF THE STATE OF IDAHO RELATING TO THE FORM AND CONTENTS OF BALLOTS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 405 of the Compiled Laws of the State of Idaho, be, and the same is, hereby amended to read as follows:

“Section 405. All election ballots prepared under the provisions of this title for the election of candidates for office shall be white in color, and of good quality of printing paper, and the same shall be printed thereon in black ink.

Every ballot shall contain thereon the names of every candidate whose nomination for any office specified on the ballot has been certified or filed according to the provisions of this title, but no name shall appear thereon more than once.

The ballot shall be of sufficient size to contain the names of all the candidates and questions to be voted on, exclusive of the stub or counterfoil. The width of the stub or counterfoil shall be two inches, and of the same length as the ballot. Each stub shall be consecutively numbered, beginning with number one; the ballot and stub being connected by a perforated line. \* \* \*

*The width of the ballot must be divided into equal perpendicular spaces, one for each political party represented by the different opposing candidates, in which the tickets of the different parties must be printed, and one similar in which only the names of the different offices to be filled at the election shall be printed, and below which the voter may write the names of the persons he wishes to vote for. These perpendicular spaces, or party tickets, must each be surrounded by very heavy leaded lines, and between each space, or party ticket, there must be a blank space of one-half inch. At the top of each ticket must be printed the caption or name of the political party in a size of type not smaller than long primer. Immediately below the middle of such caption or name, must be printed a circle at least three-fourths of an inch in diameter, within which the voter may place a cross (X), and thereby he votes, and his vote must be counted for all the candidates named in that*



*perpendicular space, or party ticket, except such as he shall erase by drawing lines through the names of those he does not wish to vote for. Immediately below the circle above named must be drawn a horizontal line, below which must be printed the names of the offices, to be printed in small capitals, and the names of the candidates therefor in not smaller than long primer capitals.*

*When a President and Vice President of the United States are to be elected, the name of the office and the names of the candidates for electors must be printed in like type as directed for other offices and candidates, immediately below the last named horizontal line. The name of each office and the candidate therefor must be included in one space, but separated from other offices and candidates by horizontal lines. To the right of names of the offices and candidates must be a light ruled perpendicular line, within which, and opposite the name of each candidate, must be printed a circle one-half inch in diameter, within which, if the voter places a cross (X) his vote must be counted for the candidate whose name is thus marked: Provided, That if he has placed a cross in the large circle at the head of the ticket, his cross opposite the name of the candidate in any other ticket must be counted for said candidate. The voter may, instead of placing a cross in the large circle, vote only for such candidates as he desires, by placing a cross on the right of their names in the small circle, or by writing in the blank ticket the names of the persons he desires to vote for, and placing a cross on the right of their names in the circle. Circles one-half inch in diameter must be placed in the blank perpendicular space on the ballot, for the name of each candidate who may be therein voted for. All the names of the several like offices and the several opposing candidates therefor must be placed on the same horizontal straight line. On the ballot, in aid of the voter, may be placed such words or explanations as "Vote for one" "Vote for three", "Yes", "No", and the like. The same margin must be left above and below the printed matter. \* \* \* \* \**

When constitutional amendments or other questions are to be submitted to a vote of the people at any general election the question or questions to be voted on shall be printed immediately following the names of the candidates for county and precinct offices, and immediately preceding said questions on the ballot shall be printed a word or words indicating the nature of the questions to be voted on, as "constitutional amendments", and the following instructions to the

voter: "To vote on the following, mark a cross (X) in the square at the right of yes or no." Immediately to the right of the questions to be voted on shall be printed the words: "Yes and No" in letters not less than three-sixteenths of an inch in height, and to the right of each word a square shall be printed on the ballot in which the voter may indicate his preference. The face of the ballot and the stub must be in substantially the following form:"

Approved March 14, 1919.

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## CHAPTER 170.

(H. B. No. 119.)

### AN ACT

AMENDING SECTION 12 OF CHAPTER 62 OF THE COMPILED LAWS, RELATING TO THE ORGANIZATION, MEETINGS, OFFICERS AND OFFICIAL BONDS OF BOARDS OF HIGHWAY COMMISSIONERS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 12 of Chapter 62 of the Compiled Laws is amended to read as follows:

"62:12. *Organization of board: Meetings: Officers: Official bonds.* Immediately after qualifying, the board of highway commissioners shall meet and organize as a board, and at that time, and whenever thereafter vacancies in the respective offices may occur, they shall elect a president from their number, and shall appoint a secretary and treasurer who may also be from their number, all of whom shall hold office during the pleasure of the board, or for terms fixed by the board. The offices of secretary and treasurer may be filled by the same person. Certified copies of all such appointments, under the hand of each of the commissioners, shall be forthwith filed with the clerk of the board of county commissioners and with the \* \* tax collector of the county.

"As soon as practicable after the organization of the first board of commissioners, *and thereafter when deemed expedient or necessary*, such board shall designate \* \* a day and hour \* \* \* on which *regular* meetings \* \* \* shall be held *and a place for the holding thereof, which shall be within the district or at the county seat of the county in which the district is located. Regular meetings shall be held at least quarterly.* The minutes of all meetings must show what bills



You can vote a ticket "straight" by placing an X in large circle  
by placing an X in small circle on right of name you wish to v

| REPUBLICAN TICKET                    |             | DEMOCRATIC TICKET                     |              |
|--------------------------------------|-------------|---------------------------------------|--------------|
| <div>1/2 inch</div>                  |             | <div>1/2 inch</div>                   |              |
| FOR CONGRESS<br>JOHN JONES           | <div></div> | FOR CONGRESS<br>ALEXANDER KNIGHT      | <div></div>  |
| FOR GOVERNOR<br>WILLIAM JOHNS        | <div></div> | FOR GOVERNOR<br>CONRAD DWIGHT         | <div></div>  |
| FOR SECRETARY OF STATE<br>HENRY BOND | <div></div> | FOR SECRETARY OF STATE<br>RICHARD ROE | <div></div>  |
| FOR REPRESENTATIVES<br>JOHN DOE      | <div></div> | FOR REPRESENTATIVES<br>GEORGE FOX     | <div>X</div> |
| GEORGE HOOD                          | <div></div> | ANDREW WILSON                         | <div></div>  |
| WILLIAM WIRT                         | <div></div> | JOHN ALSTON                           | <div></div>  |
| JOHN OSBORNE                         | <div></div> | ASA DALE                              | <div></div>  |

(Name of County. Date of Election.)

Perforated Line

ONE-HALF INCH SPACE

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are submitted, considered, allowed or rejected. The secretary shall make a list of all bills presented, showing to whom payable, for what service or material, when and where used, amount claimed, allowed or disallowed. Such list shall be signed by the chairman and attested by the secretary:

\* \* \* \* \*

*Provided*, That all special meetings must be ordered by the president or a majority of the board, the order must be entered of record, and the secretary must give each member not joining in the order five days' notice of such special meetings; the order must specify the business to be transacted at such special meeting and none other than that specified shall be transacted: *Provided further*, That whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business, and a majority of the board may exercise all of the powers of the board, except as otherwise provided in this chapter. All records of the board shall be open to the inspection of any elector or taxpayer during business hours. \* \* \*

"The officers of the district shall take and file with the secretary an oath for the faithful performance of the duties of their respective offices. The treasurer shall on his appointment execute and file with the secretary an official bond in such amount as may be fixed by the highway board, which shall not be less than \$5000; and shall thereafter from time to time execute and file such further bonds as may be required of the highway board in amounts fixed by them, which amounts shall be at least sufficient to cover the probable amounts of money coming into his hands and 25 per cent thereof in addition thereto."

Approved March 3, 1919.

## CHAPTER 171.

(H. B. No. 127.)

### AN ACT

RELATING TO THE TRANSFER OF WATER RIGHTS WHICH HAVE BEEN MADE APPURTENANT TO LANDS PURSUANT TO THE PROVISIONS OR OPERATION OF THE ACT OF CONGRESS OF THE UNITED STATES KNOWN AS THE CAREY ACT, AND PRESCRIBING THE MANNER IN WHICH SUCH TRANSFERS SHALL BE MADE; CONFERRING CER-

TAIN POWERS AND DUTIES UPON THE COMMISSIONER OF RECLAMATION; AND AMENDING SECTIONS 1, 5, 6, 7 OF CHAPTER 130, AND REPEALING SECTION 3 OF CHAPTER 130 OF THE COMPILED LAWS OF IDAHO.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That section 1 of Chapter 130 of the Compiled Laws of Idaho shall be and the same is amended to read as follows:

“Section 1, Chapter 130. The owner of any lands to which a water right has been made appurtenant pursuant to the provisions or operation of the act of congress of the United States known as the Carey act may transfer such water right, in whole or in part, to other land owned by him \* \* \* *and lying within the same irrigation apportionment or segregation* \* \* \* and may, by sale or by lease for a period not exceeding one year, transfer such water right or any portion thereof to another for use upon or in connection with any such other lands, in the manner and on the conditions set forth in this chapter.”

SEC. 2. Section 3 of Chapter 130 of the Compiled Laws of Idaho shall be and the same is hereby repealed.

SEC. 3. Section 5 of Chapter 130 of the Compiled Laws of Idaho shall be and the same is amended to read as follows:

“Section 5, Chapter 130. If the board of directors of the corporation operating such Carey Act systems shall refuse its consent to the transfer of such water right, a written application for permission to make the same, showing the description of the land from which and of the land to which it is proposed to transfer such water right and the amount of the water right to be so transferred and the reasons for such transfer, shall be presented \* \* \* *to the Commissioner of Reclamation* \* \* \* who shall promptly make investigation of the matter and determine whether and to what extent the canal system and the other water users thereunder shall be affected or prejudiced if such transfer is allowed.

\* \* \* *If said Commissioner of Reclamation* \* \* \* finds that such transfer of water right, in the manner and to the extent applied for, will not be prejudicial to said corporation or to the other water users under said irrigation system he shall issue his certificate approving the transfer, the same to be in duplicate, one part of which shall be filed with the secretary of such corporation the the other shall be delivered to the persons applying for such transfer and recorded



in connection with the instrument of conveyance or lease, and if he find that such transfer should be made only upon certain terms and conditions, then he shall prescribe and specify the terms and conditions, upon which the transfer shall be allowed, and if they are complied with to his satisfaction, he shall issue his certificate to that effect, the same being in duplicate as herein provided.

\* \* \* \* *If said Reclamation Commissioner* \* \* \* \* decides against such transfer, then he shall make his written report, giving the reasons for such decision.

SEC. 4. Section 6 of Chapter 130 of the Compiled Laws of Idaho shall be and the same is amended to read as follows:

“Section 6, Chapter 130. If any person or the board of directors of such Carey Act corporation shall feel aggrieved at the decision of said \* \* \* \* *Commissioner of Reclamation* \* \* \* \*, an appeal may be taken by such person or board to the district court of the county within which the land is situated from which it is proposed to transfer the water right by filing with the clerk of said court the written application so made to said \* \* \* \* *Commissioner of Reclamation* \* \* \* \* and his report thereon with a written statement of the appellant giving the reasons why such decision should not stand, and said court shall make determination of the matter, for which purpose a jury trial may be had at the discretion of the court. The clerk of such court shall require the payment of a fee of \$5 for the docketing of such appeal.”

SEC. 5. Section 7, Chapter 130 of the Compiled Laws of Idaho shall be and the same is amended to read as follows:

“Section 7, Chapter 130. For his services in passing upon an application for the transfer of a water right under this chapter and making his certificate or report based thereon said \* \* \* \* *Commissioner of Reclamation* \* \* \* \* shall be entitled to receive from the applicant the sum of \$10 for each day or portion thereof necessarily required by him to do the work besides his actual and necessary expenses incurred in connection therewith, but shall receive no other compensation.”

Approved March 8, 1919.

**CHAPTER 172.**

(H. B. No. 131.)

**AN ACT**

TO AMEND SECTIONS 13 AND 73 OF CHAPTER 106 OF THE COMPILED LAWS OF IDAHO, DEFINING COMMON CARRIERS AND REQUIRING PERSONS OPERATING MOTOR VEHICLES AS COMMON CARRIERS TO FURNISH A BOND AND PROVIDING A PENALTY FOR A VIOLATION THEREOF.

*Be It Enacted by the Legislature of the State of Idaho:*

SEC. 1. That Section 13 of Chapter 106 of the Compiled Laws of Idaho be amended to read as follows, to-wit:

“Section 13, Chapter 106. COMMON CARRIER. The term ‘common carrier’ when used in this chapter includes:

1. Every railroad corporation, street railroad corporation, express corporation, dispatch, sleeping car, dining car, drawing room car, freight line, refrigerator, oil, stock, fruit, car loaning, car renting, car loading and every other car corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, operating for compensation within this state.

2. Every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, operating or managing any vessel regularly engaged in the transportation of persons or property for compensation upon the waters of this state; and

3. Every corporation, person or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever owning, controlling, managing, operating, driving or causing to be operated or driven, or holding out by sign, voice or other device or by advertisement that they will drive, operate or cause to be driven or operated over any particular route or routes or over any route or routes or between specified termini for hire or compensation any automobile, auto stage, motor vehicle or motor truck or any other self-propelled motor vehicle for use in the business of carrying either passengers or freight or both, excepting such as run on rails or tracks not hereinbefore enumerated, and automobiles used exclusively as hearses, ambulances, hotel buses *operating solely between hotel and trains*, \* \* \* \* \* or automobiles or auto trucks used for carrying United States mails on star routes *when actually engaged in carrying such mail*.



The term 'common carrier', when hereafter used in this chapter, shall be construed to mean all three classes in this section specified, unless otherwise stated."

SEC. 2. That section 73 of Chapter 106 of the Compiled Laws of Idaho be amended to read as follows, to-wit:

"Section 73, chapter 106. BOND FOR MOTOR BUS. A common carrier of the class mentioned in subsection 3 of section 13 hereof owning, using or operating five or less automobiles, auto stages, motor busses, motor vehicles or motor trucks in such business of such common carrier before engaging in or commencing such business must execute a bond in the sum of \$2000 payable to the State of Idaho, with one or more sureties to be approved by the public utilities commission, and file the same with such commission, and any such common carrier owning, using or operating more than five automobiles, auto stages, motor busses, motor vehicles or motor trucks in the business of such common carrier shall execute and file a like bond in the sum of \$5000. Such bond shall be for the benefit of any person injured by the negligence of such common carrier as the interest of such injured person therein may appear. If any such bond, by reason of a recovery against the same or for any other reason, shall become insufficient, such common carrier within 30 days after being notified by the public utilities commission shall file with such commission such other bond as may be required by such commission, and a failure so to do shall operate to revoke the license granted to such person failing to file such additional bond, as hereinbefore required.

*Any person operating as a common carrier as defined in subsection 3 of section 13 hereof without first complying with the provisions of this section shall be guilty of a misdemeanor, which penalty shall be in addition to any penalty or remedy provided by Article 8 of Chapter 106 of the Compiled Laws of Idaho.*

Approved March 14, 1919.

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## CHAPTER 173.

(H. B. No. 139.)

### AN ACT

ADDING SECTION 10a TO CHAPTER 126 OF THE COMPILED LAWS OF THE STATE OF IDAHO, TO PROVIDE FOR AN INVESTIGATION OF THE WATER RESOURCES OF THE

STATE OF IDAHO, EMPOWERING THE DEPARTMENT OF RECLAMATION TO ENTER INTO CONTRACTS OF CO-OPERATION WITH THE UNITED STATES GEOLOGICAL SURVEY AND MAKING AN APPROPRIATION THEREFOR.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. There is added to Chapter 126 of the Compiled Laws an additional section to be known as Section 126:10a, as follows:

Section 126:10a. The Department of reclamation is hereby authorized to co-operate with the United States Geological Survey in the investigation of the water resources and gauging the flow of the streams of the State of Idaho so long as the Federal Government is engaged in making such measurements and surveys. To that end he is hereby authorized to make the necessary contract or contracts with the Director of the United States Geological Survey whereby a part of the expenses incurred in the making of such surveys, gaugings and measurements may be paid by the State of Idaho, to an amount not to exceed the appropriation hereinafter made. Said contract or contracts shall provide among other things, that the said Director shall furnish to the Department of Reclamation complete and detailed reports of the results obtained by said survey, gaugings and measurements and copies of such original records, plats, notes and other data as shall be required by the department. Such reports, plats, notes, records and data shall be and become a part of the permanent records of the office of the department. All claims for expenses incurred or made hereunder shall be filed, examined, and when allowed, paid out of the State Treasury in the same manner that other claims against the State are made, filed, examined and paid.

SEC. 2. For the purpose of carrying out the provisions of the foregoing section, there is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated, the sum of Twenty Thousand Dollars (\$20,000.00) or so much thereof as may be necessary, for the biennial period of 1919 and 1920.

Approved March 7, 1919.

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**CHAPTER 174.**

(H. B. No. 141.)

**AN ACT**

**PROVIDING FOR THE CONSTRUCTION OF A WAGON ROAD**



FROM A POINT NEAR NEAL, ELMORE COUNTY, IDAHO, TO A POINT ON THE BOISE RIVER AT THE HEAD OF DEAD WATER OF THE ARROW ROCK RESERVOIR, AND FOR THE CONSTRUCTION OF A BRIDGE ACROSS THE SAID BOISE RIVER AND THE CONSTRUCTION OF A WAGON ROAD FROM THE NORTH BANK OF SAID BOISE RIVER AT SAID BRIDGE A SHORT DISTANCE TO CONNECT WITH THE WAGON ROAD FORM SMITH'S PRAIRIE: AUTHORIZING AND REQUESTING THE STATE HIGHWAY COMMISSION TO CONSTRUCT SAID ROAD AND SAID BRIDGE AND AUTHORIZING THE STATE HIGHWAY COMMISSION TO RECEIVE SUBSCRIPTIONS FOR THE CONSTRUCTION OF SAID ROAD AND SAID BRIDGE, AND APPROPRIATING THE SUM OF THREE THOUSAND DOLLARS (\$3,000.00) FROM THE GENERAL FUND OF THE STATE FOR SUCH PURPOSES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. For the purpose of constructing a wagon road from a point at or near Neal, Elmore County, Idaho, the present terminus of a good wagon road, thence running northeasterly down Wood creek, crossing Willow creek near the mouth of Wood creek, and following along the side hill above the arrow rock reservoir along the most practical route to a point on the south fork of the Boise river at or near the head of dead water of Arrow Rock reservoir to the south bank of said Boise river, connecting with a proposed bridge across said Boise river, and beginning at the north end of said proposed bridge across said Boise river, north a short distance, connecting with the present wagon road, and for the purpose of constructing a bridge across the said Boise river, connecting said wagon road as herein provided, the State Highway Commission is hereby authorized to receive subscriptions, and in addition thereto is hereby appropriated out of the general fund of the State of Idaho not otherwise appropriated the sum of Three Thousand Dollars (\$3,000.00).

SEC. 2. The said Commission is hereby authorized and requested to receive said subscriptions for the construction of said wagon road, to make surveys, plans and specifications for the construction of said wagon road and said bridge across said Boise river, and is hereby authorized and requested to build said wagon road and construct said bridge across said Boise river as aforesaid.

Approved March 17, 1919.

**CHAPTER 175.**

(H. B. No. 158.)

**AN ACT**

TO AUTHORIZE FRATERNAL SOCIETIES TO ESTABLISH AND MAINTAIN CLASSES OF MEMBERSHIP; AUTHORIZING SUCH SOCIETIES TO PROVIDE WHOLE FAMILY PROTECTION FOR MEMBERS: STIPULATING THE BENEFITS TO BE PAID, THE REQUIREMENTS FOR MEMBERSHIP, THE RATES OF CONTRIBUTION, THE RESERVE TO BE MAINTAINED, THE SEGREGATION OF FUNDS, THE REQUIREMENTS FOR TRANSFER TO THE PARENT SOCIETY, THE RIGHTS OF BENEFICIARIES AND FOR THE ANNUAL REPORT TO THE INSURANCE DEPARTMENT.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. "Any fraternal Society chartered or transacting business in this state is hereby authorized and empowered to establish or maintain separate classes of membership, each class having a separate form of contract of similar general plan and character in its purpose; the assets or mortuary collections secured from the members of each class respectively shall be carried and maintained separately for such class, and the required reserve of such accumulation of such class, if contract therefor provides for such a fund, shall be set apart and held specifically and separately for the use and benefit of such particular class, and shall not thereafter be mingled with the assets or mortuary collections of any other class of the society."

SEC. 2. Any fraternal benefit society authorized to do business in this State and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose support and maintenance a member of such society is responsible. Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively as follows: Two, Thirty-four dollars; three, Forty Dollars; four, Forty-eight Dollars; five, Fifty-eight Dollars; six, One hundred and forty Dollars; seven, One hundred and Sixty-eight Dollars;



eight, Two Hundred Dollars, nine, Two Hundred and Forty Dollars, ten, Three Hundred Dollars; eleven, Three Hundred and Eighty Dollars; twelve, Four Hundred and Sixty Dollars; thirteen to fifteen, Five Hundred and Twenty Dollars; and Sixteen to eighteen years, where not authorized by law, Six Hundred Dollars.

SEC. 3. No benefit certificate as to any child shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred such certificates, on each of which at least one assessment has been paid, nor where the number of lives represented by such certificate falls below five hundred. The death benefit contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Life Table No. Six" and a rate of interest not greater than four per cent per annum, or upon a higher standard; provided that contributions may be waived or returns may be made from any surplus held in excess or reserve and other liabilities, as provided in the by-laws, and, provided further that extra contributions shall be made if the reserves hereafter provided for become impaired.

SEC. 4. Any society entering into such whole family insurance agreements, shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in Section 3, and the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized; provided, that a society may provide that when a child reaches the minimum age, for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other form of certificate issued by the society, provided that such surrender will not reduce the number of lives insured in the branch below five hundred, and upon the issuance of such new certificate any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificates, nor the person who paid the contribu-

tion, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate being left to the child so admitted to benefit membership.

SEC. 5. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the Insurance Department by any society availing itself of the provisions thereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded or modified, nor shall the funds be diverted for any use other than as specified in Section 3, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, reinsurance, merger or other change in the condition of the status of the society.

SEC. 6. Any society shall have the right to provide in its laws and the certificate issued hereunder for special payment on account of the expense or general fund, which payments shall, or shall not be mingled with the general fund of the society as its constitution and by-laws may provide.

SEC. 7. In the event of the termination of membership in the society by the person responsible for the support of any child, on whose account a certificate may have been issued, as provided herein, the certificate may be continued for the benefit of the estate of the child, provided the contributions are continued, or for the benefit of any other person responsible for the support and maintenance of such child, who shall assume the payment of the required contributions.

SEC. 8. It is further provided that any of the provisions and requirements of Chapter 222 of the Compiled Laws of the State of Idaho specifying the qualification of membership to such societies, providing for the election, initiation and admission of members and the privilege or requirements of participating in the government and management of the parent society shall not apply to the provisions of this act regarding the admission of children to the benefits of such societies.

Approved March 6, 1919.



**CHAPTER 176.**

(H. B. No. 160.)

**AN ACT**

AMENDING SECTIONS 1241, 1242, OF CHAPTER 71, AND REPEALING SECTION 1251 OF CHAPTER 71 AND SECTIONS 6880 AND 6881 OF CHAPTER 408 OF THE COMPILED LAWS, ALL RELATING TO DRIVING STOCK FROM THEIR RANGE; PRESCRIBING PENALTIES THEREFOR.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 1241 of chapter 71 of the compiled laws is amended to read as follows:

“Section 1241. *Penalty for driving livestock from range.* Any person, not \* \* \* the owner or entitled to the possession, \* \* \* who \* \* \* knowingly and wilfully drives, rides, or leads, or assists to drive, ride or lead any head of livestock away from its usual range \* \* \* is guilty of a misdemeanor.

\* \* Proof that such person was \* \* driving, riding or leading such livestock more than five miles from its usual range \* \* is evidence sufficient to warrant a conviction, unless the evidence produced on the trial shows that the accused acted in good faith and with an innocent purpose. \* \* \*”

SEC. 2. Section 1242 of chapter 71 of the Compiled Laws is amended to read as follows:

“Section 1242. Same: *Liability to civil action.* Any \* \* \* person \* \* \* who, without the owner's consent, drives, rides, or leads or assists in driving, riding or leading any head of livestock, the property of another, away from its usual or accustomed range \* \* \* is liable \* \* \* in a civil action in a court of competent jurisdiction \* \* to the party injured \* \* \* for damages, including the costs of litigation. \* \* \* The party injured may, at the commencement of the action, or during the pendency thereof, have the livestock of the defendant, or such number thereof as are sufficient, attached, seized and held as security for all damages and costs that may be recovered in such action.”

SEC. 3. Section 1251 of chapter 71 and sections 6880 and 6881 of chapter 408 of the Compiled Laws are hereby repealed.

Approved March 7, 1919.

**CHAPTER 177.**

(H. B. No. 161.)

**AN ACT**

AMENDING SECTIONS 1299b, 1299c, 1299d, AND 1299f OF CHAPTER 75 OF THE COMPILED LAWS, REQUIRING NOTICE OF ESTRAYS TO BE TRANSMITTED TO THE BUREAU OF REGISTRATION IN THE DEPARTMENT OF AGRICULTURE INSTEAD OF THE COUNTY RECORDER; AND ADDING A SECTION TO SAID CHAPTER 75 TO BE KNOWN AS SECTION 1301b, REGULATING ESTRAYS IN INCORPORATED VILLAGES AND CITIES.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 1299b of chapter 75 of the Compiled Laws is amended to read as follows:

“Sec. 1299b. SAME. UNKNOWN OWNER. If the owner is unknown, then he shall at once send, by registered mail, to the *bureau of registration in the department of agriculture*, a written notice describing the animal or animals so taken by marks, brands, age, sex, kind and color, and where said animal or animals are held, and shall search diligently on said animal or animals for marks or brands.”

SEC. 2. Section 1299 c of chapter 75 of the Compiled Laws is amended to read as follows:

“Sec. 1299c. DUTY OF BUREAU OF REGISTRATION. If the brand on said animal or animals is recorded, then *the bureau of registration* shall immediately send, by registered mail, to the recorded owner, to the post office address as stated in the brand book, a copy of such notice, and shall notify the said constable or sheriff, in the same manner, of the name and address of such owner, and, if the name of the owner of the brand cannot be found in the brand book of record, then *the bureau of registration* shall immediately, by registered letter, notify the said constable or sheriff that the brand is not recorded. *The bureau of registration shall be entitled to a fee of 50 cents for making the search and giving the notice herein required, which fee shall be paid by the officer as a part of the costs out of the proceeds of the redemption or sale of the estray or estrays.*”

SEC. 3. Section 1299d of chapter 75 of the Compiled Laws is amended to read as follows:

Section 1299d. PROCEDURE WHEN BRAND RECORDED. If the said constable or sheriff receives notice



from the *bureau of registration* that the brand described as being on said animal or animals is recorded, and the owner of the recorded brand has been notified, he shall wait 10 days after receiving said notice before advertising the sale thereof as herein provided."

SEC. 4. Section 1299f of Chapter 75 of the Compiled Laws is amended to read as follows:

"Sec. 1299f. UNCLAIMED ANIMALS OF RECORDED OWNERS. If the owner of the recorded brand does not appear and claim the animal or animals within 10 days after the constable or sheriff receives notice from the *bureau of registration*, then the said constable or sheriff shall proceed to advertise and sell said animal or animals the same as if the brand on said animal or animals was unrecorded."

SEC. 5. Amend Chapter 75 by adding a section thereto to be known as Section 1301b.

"Section 1301b. *All the foregoing sections of this chapter shall apply and regulate estrays in incorporated villages and cities and the duties imposed on sheriffs and constables herein shall apply and regulate in a like manner the police force of all incorporated cities and villages.*"

Approved March 12, 1919.

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## CHAPTER 178.

(H. B. No. 163.)

### AN ACT

AMENDING SECTION 71 OF CHAPTER 223 OF THE COMPILED LAWS OF IDAHO, RELATING TO LIABILITY ON FORGED CHECKS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 71 of Chapter 223 of the Compiled Laws of Idaho be amended to read as follows:

"223:71. *Liability on Forged Checks.* No banks or trust company which has paid and charged to the account of a depositor any money in a forged or raised check issued in the name of said depositor shall be liable to said depositor for the amount paid thereon unless either (1) within three months after notice to said depositor that the vouchers representing payments charged to the account of said depositor for the period during which such payment was made are ready for delivery, or (2) in case no such notice has been

*given, within three months after the return to said depositor of the voucher representing such payment, said depositor shall notify the bank or company that the check so paid is forged or raised. The notice referred to may be given by mail to said depositor at his last known address with postage prepaid."*

Approved March 11, 1919.

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## CHAPTER 179.

(H. B. No. 167.)

### AN ACT

ADDING A SECTION TO THE COMPILED LAWS OF IDAHO TO BE KNOWN AS SECTION 76a OF CHAPTER 106, REQUIRING EVERY PUBLIC UTILITY, *EXCEPT RAILROAD CORPORATIONS*, TO FILE WITH THE COMMISSION AN INVENTORY OF ITS PHYSICAL PROPERTIES AND PROVIDING A METHOD WHEREBY THE COMMISSION MAY OBTAIN SUCH INVENTORY: FIXING THE METHOD WHEREBY THE COST OF OBTAINING SUCH INVENTORY BY THE COMMISSION IS TO BE PAID AND FIXING A TIME WHEN SUCH INVENTORY SHALL BE FILED WITH THE COMMISSION.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. A new section shall be added to Chapter 106 of the Compiled Laws of Idaho, to be known as Section 76a, and which shall be as follows:

106:76a. Every public utility, *except railroad corporations*, shall file with the commission an inventory of all its physical properties within the State, designating the exact location of its property within the several counties of the State, such inventory shall show in detail the cost of construction together with the depreciation charges incident thereto since construction, or may show the cost of replacement of such properties, if in the opinion of the commission the original cost and depreciation charges cannot be obtained; *Provided* that in the event any public utility refuses or neglects to file such inventory, or the inventory so filed is inaccurate, the commission may send its agents upon the ground and make an inventory as desired by the commission. The entire cost of making such inventory by the agents of the commission shall be paid by the public utility from its profit and loss account and shall not be charged to operating expenses, and such payment shall be made to the



treasurer of the state, who shall deposit the same to the credit of the fund provided for the engineering department of said commission.

Every public utility shall file the inventory herein required within six months after the approval of this Act by the Governor unless for just cause shown the commission may extend such time and shall file new, amended or supplemental inventories at such times thereafter as the commission may require.

Approved March 14, 1919.

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## CHAPTER 180.

(H. B. No. 169.)

### AN ACT

TO ADD SECTION NUMBER 2268-a TO THE COMPILED LAWS, RELATING TO THE ANNUAL EXPENDITURES OF CITIES AND VILLAGES AND THE TRANSFER OF FUNDS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Chapter No. 154 of the Political Code of the Compiled Laws of Idaho, be amended by adding thereto Section No. 2268-a.

*"Section 2268-a. The City Council of Cities and the Board of Trustees of villages may transfer an unexpended balance in one fund to the credit of another fund."*

Approved March 11, 1919.

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## CHAPTER 181.

(H. B. No. 174.)

### AN ACT

REQUIRING ALL STATE OFFICERS, DEPARTMENTS, BOARDS AND INSTITUTIONS TO DEPOSIT TRUST FUNDS IN A SUSPENSE FUND IN THE STATE TREASURY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Any state officer, department, board of institution having or receiving money in trust or for safe-keeping pending its final disposition or distribution shall deposit the same in the state treasury in a special suspense fund from which it may be withdrawn or distributed under

rules and regulations promulgated by the department of finance.

Approved March 11, 1919.

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## CHAPTER 182.

(H. B. No. 175.)

### AN ACT

PROVIDING FOR THE INVESTMENT OF SURPLUS FUNDS IN THE STATE TREASURY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. Surplus or idle funds in the state treasury (other than public endowment funds) may be invested by the treasurer in United States certificates of indebtedness or in registered warrants of the State of Idaho or any of the counties thereof under rules and regulations promulgated by the department of finance.

Approved March 3, 1919.

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## CHAPTER 183.

(H. B. No. 176.)

### AN ACT

AN ACT TO AMEND CHAPTER 168 OF THE COMPILED LAWS OF IDAHO, RELATING TO DRAINAGE, BY AMENDING SECTION THREE (3), FIVE (5), SIX (6), SEVENTEEN (17), NINETEEN (19), THIRTY-TWO (32), THIRTY-EIGHT (38), FORTY-ONE (41), AND FORTY-NINE (49); AND BY ADDING THERETO SECTION TWELVE-A (12A), RELATING TO THE LEVY OF TAX FOR ORGANIZATION PURPOSES; TWENTY-SEVEN-A (27-A), RELATING TO SUPPLEMENTAL LEVY.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 3, Chapter 168 (168:3) of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

168:3. For the purpose of the formation of such drainage district a petition shall be presented to the Clerk of the District Court of the County *in which a greater portion of the lands of said proposed district are located*, which peti-



tion shall set forth the object of the organization of said district, *shall designate temporary boundaries thereof* and shall set forth approximately *the number of acres of land therein*, and shall contain a description of the proposed system of draining or diking or both, designating the point or points, if any there may be, which shall be the outlet or outlets for the drainage of said district, the general route over which the main ditch or ditches are, to be constructed, together with the proposed spurs or branches, and the general location of the dykes or levees, if any there may be, and set forth the further fact that the establishment of said district and the proposed system of drainage will be conducive to the public health, convenience and welfare, or increase the public revenue, or that the establishment of said district and the said system of drainage and reclamation *is a proper and advantageous method of accomplishing the relief sought*. Said petition shall be signed by such number as own at least one-fifth of the acreage *in the proposed district* and shall pray that the same be organized under the provisions of this title. *Community property may be represented by either the husband or the record owner.*

SEC. 2. That Section 5, Chapter 168 (168:5) of the Compiled Laws of Idaho, be and the same is hereby amended to read as follows:

168:5 *After the filing of said petition the Judge of the Court shall fix a time for the hearing of said petition by order made by him, which order shall provide that said petition be published for at least three (3) successive weeks in some weekly newspaper or newspapers, printed and published in said county or counties in which the lands are situated, and in case no such paper is published in such county, then in some paper of general circulation therein; together with a notice of the time and place at which said judge will consider said petition.*

SEC. 3. That Section 6, of Chapter 168 (168:6) of the Compiled Laws of Idaho be, and the same are hereby amended to read as follows, to-wit:—

168:6 Upon the day fixed for the hearing of said petition, any persons or corporation *interested therein*, may appear before said court and make objections to the organization and incorporation of said district, *but such objections shall be limited to determining whether or not the organization of such drainage district is a proper and advantageous method of accomplishing the reclamation and protection of the swamped, bogged or water logged lands, or*

*lands subject to overflow therein, and whether or not there is a reasonable probability that the objects sought by the formation of the district may be accomplished, and whether or not said proposed drainage system will be conducive either to the public health, welfare or convenience or increase the public revenue; and at the hearing the court shall hear and consider such evidence only as may be presented for or against the petition or objections thereto. Thereupon the court shall make its findings upon the facts alleged in the petition and objections and any other facts necessary and proper for the determination of the propriety of the organization of such district, and if said district be organized, the judge of said court shall cause an order to be entered and recorded in the judgment record of each of the counties in which the lands within said district are situated, setting forth the facts found by the said judge upon the hearing of said petition, and said order shall define the temporary boundaries of said district and describe the lands included therein by township, range and section only, and shall have the effect of a lis pendens.*

Any district may be established even if it is shown that the outlet for the drainage system is without the county or counties in which said district is located, or without the boundaries of the State of Idaho, or is in any other state or territory, or in a foreign country, the work for the drainage of said district may be contracted for and performed either entirely or partially within the limits of any other state, territory or foreign country. \* \* \* \* \*

SEC. 4. That a new section be added to Chapter 123, of the Compiled Laws of Idaho, designated as Section 12-A, Chapter 168 (168:12A) to read as follows:

168:12-A. *The board of commissioners of any drainage district organized under the provisions of this act shall, after their appointment levy a uniform tax of such an amount as is deemed necessary not to exceed one dollar per acre upon each acre of land within such district to be used for the purpose of paying expenses incurred or to be incurred in organizing such district, making surveys of the same and apportioning costs and damages, and to apply on the expenses necessary to be incurred before said board shall be empowered by subsequent sections to provide funds to pay the total cost of works and improvements of the district. In case the boundary lines of the district be extended under the provisions of the subsequent section of this act so as to include lands not described and contained in the petition, the same uniform tax shall be made on such lands as soon as the same*



*shall have been annexed and included in the district. Such tax shall be due and payable as soon as assessed and if not paid within sixty days thereafter the same shall become delinquent. It shall become a lien on the land against which it is assessed, and shall be collected in the same manner as other taxes. In case the sum received from such assessment exceeds the total cost of items for which the same has been levied, the surplus shall be placed in the general fund of the district and used to pay the cost of construction. Provided, that if the district be dissolved as provided for in a subsequent section of this act, the amount of surplus, if there be any, shall be pro rated and refunded to the land owners paying such uniform tax.*

SEC. 5. That Section 17, of Chapter 168 (168:17) of the Compiled Laws of Idaho, be and is hereby amended to read as follows:

168:17 If the commissioners shall find after the investigation referred to that the cost, expenses and damages are more than equal to the *increased value which will accrue to the lands within the district*, they shall so report and the proceedings shall be dismissed. But if the commissioners shall report that the whole cost of the work including preliminary surveys and expenses, legal assistance and court costs will be less than the *increase in value to accrue* therefrom, they shall so report to the court, and the court shall then make and enter an order fixing a time and place when and where all persons interested may appear and contest the confirmation thereof, and the clerk of the court shall cause notices of the time and place of said hearing to be given to all parties interested by the publication of a notice thereof \* \* \* for at least three successive weeks prior to the date set for such hearing in one or more newspapers published in said county or counties which notice shall contain a description of all land affected and the amount of the *assessments and damages* awarded in said report and *by personally serving or sending by registered mail a copy of said notice to each land owner at his postoffice address in so far as the same can be ascertained, and if not known, then to their last known post office address, at least twenty days before the date appointed for said hearing, but failure to receive such notice shall not invalidate any assessment.*

SEC. 6. That Section 19, chapter 168 (168:19) of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

168:19. *The remonstrants shall set forth objections to the confirmation of the report of the commissioners by stat-*

*ing separately, first, legal objections, second, issues of fact to be tried by the court, third, issues of fact to be tried by the jury. The district court for said county \* \* \* shall fix a time \* \* \* for the hearing of the objections giving such proceedings preference over other civil actions pending, and on demand of any person or corporation assessed for the cost of construction or awarded damages, \* \* \* may impanel a jury and take its verdict upon the trial of such issue, whether the amount of damages awarded by the commissioners is adequate, or whether the assessment \* \* \* of any remonstrant demanding the review is too high, and the court or jury may assess the same. All other issues arising on remonstrance shall be tried by the court, and if the court finds that the report requires modification the same may be referred to the commissioners who may be required to modify it in any respect. The report of the Commissioners shall be prima facie evidence of the allegations therein set forth and the remonstrants shall be considered as plaintiffs and have the burden of establishing their objections thereto. In any case between the commissioners and any remonstrant the court may award and apportion the costs; costs awarded against the commissioners shall be paid out of the funds realized for the assessments made.*

SEC. 7. That a new Section be added to Chapter 168 of the Compiled Laws of Idaho, to be known as Section 27-A (168:27-A), to read as follows:

168:27-A. In the event that the amount levied shall be insufficient to complete the contemplated improvement, then the Board shall levy an additional assessment sufficient to complete the same, including the cost of collection, and all legal and other proceedings in connection therewith. Such additional levy shall be made against the same property, and in the same proportion against each, as was the original levy, and after approval thereof by the Judge, before whom said proceedings are pending, shall be spread on the books of the Auditor and Tax Collector in the same manner as is required in the case of the original levy. A brief general notice of the filing of the application for confirmation of such additional levy shall be published in a newspaper of general circulation in each of the counties in which such district is situate, at least once each week, for three consecutive weeks prior to the date fixed for confirmation.

SEC. 8. That Section 32, Chapter 168 (168:32) of the Compiled Laws of Idaho, be and same is hereby amended to read as follows:



168:32. Upon the entering of the order confirming the *apportionment of costs and awarding of damages* as hereinbefore provided for, the clerk of said court shall immediately prepare a transcript which shall contain a list of all lands which are so assessed \* \* \* \* \* and *awarded damages* in said report and shall certify the same to the recorder of the county in which said lands are situated and said statement so certified shall specify the amount of the assessment upon each tract, parcel or governmental subdivision, and *shall describe all rights of way or easements required by the district and the amount of damages awarded to the owners thereof*; and the said county recorder shall thereupon enter such order of record and the same shall be notice of a lien of said assessment of all persons, and *shall establish the right of way and easement of the district in and to the lands so described and said district shall be thereafter entitled to enter upon and occupy said lands upon the payment to the owner of the amount of damage so awarded.*

SEC. 9. That Section 38, Chapter 168 (168:38) of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

168:38. In case the whole or any portion of said improvements is let to any contractor, said commissioners shall require the said contractor to give a bond equal to 50% of the amount of the contract price of the whole, or of the portion of said works covered by said contract, with two or more sureties to be approved by the board of commissioners of said drainage district, and running to said district as obligee therein, conditioned for the faithful and accurate performance of said contract by said contractor, his executors, administrators or assigns, according to the terms and conditions of said agreement \* \* \* and conditioned that said contractor, his executors, administrators or assigns, performing the whole or any portion of said work under contract of said original contractor shall pay or cause to be paid all just claims for all persons performing labor or rendering services in the construction of said work under contract of said original contractor, shall pay or cause to be paid all just claims of all persons performing labor or rendering services in the construction of said work, or furnishing materials, merchandise or provisions of any kind or character used by said contractor or subcontractor, or any employee thereof in the construction of said improvements: Provided further, that no sureties on said bonds shall be liable thereon for labor, *materials or provisions* unless the persons or corporations performing said labor and furnishing said mater-

ials, goods, wares, merchandise, and provisions, shall within ninety days after the completion of said improvements, file their claim, duly verified, that the amount is just and due and remains unpaid, with the board of Commissioners of said drainage district. *And provided further that said commissioners before advertising for bids for any work or improvement may by resolution provide that said original contractor shall pay or cause to be paid monthly all just claims for all persons performing labor or rendering services in the construction of said work, or furnishing materials merchandise or provisions of any kind or character used by said contractor or subcontractor or any employee thereof in the construction of said improvements; and before any second or subsequent estimate is paid to the said contractor said payments as aforesaid shall be evidenced by signed vouchers or waivers, filed with the commissioners, and such other evidence by affidavit, or otherwise, as the commissioners may require, and in which event the bond required for the faithful and accurate performance of the contract shall be 25% of the contract price, and in advertising for proposals for bids the said proposals shall set forth that the contract will be let in accordance with the terms of said resolution as to the amount of the bond and the requirement for the payment as aforesaid of all bills for labor, materials, goods, wares, merchandise and provisions, but failure to make monthly settlement of all accounts as herein provided shall not invalidate the bond so furnished by said contractor.*

SEC. 10. That Section 41, chapter 168 (168:41) of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

168:41. PAYMENTS TO CONTRACTORS. During the construction of said improvement, said commissioners shall have the right to allow payment thereof, in installments as the work progresses, in proportion to the amount of work completed; Provided, That no allowance or payment shall be made for said work to any contractor or subcontractor to exceed 90 per cent of the proportionate amount of the work completed by such contractor or subcontractor, and 10 per cent of the contract price shall be reserved at all times by said board of commissioners until said work is wholly completed, and shall not be paid upon the completion of said work until 90 days have expired for the presentation of all claims for labor performed and materials, goods, wares, merchandise and provisions furnished or used in the construction of said improvements. Upon the completion of said work and the payment of all claims hereinbefore pro-



vided for according to the terms and conditions of said contract, said commissioners shall accept said improvement and pay the contract price therefor.

SEC. 11. That Section 49, Chapter 168 (168:49) of the Compiled Laws of Idaho, be and the same is hereby amended to read as follows:

168:49. BONDS AUTHORIZED. Upon the establishment of any drainage district under the provisions of this title, and the establishment of a system of drainage therein as provided for in this title, the board of commissioners of such drainage district are hereby authorized to issue bonds to pay for the total cost of the work and improvements incurred or to be incurred, or of the part of the work and improvements assumed or contracted for, or to be assumed or contracted for, together with the cost of the organization of said district, and the establishment thereof, including damages assessed and compensation made or to be made to land owners for right of way, and the expense and cost of the entire proceedings, payable at a time not less than five years nor longer than 20 years from the date thereof; *Provided*, That no bonds shall, under the provisions hereof, be sold for less than their par value, and *Provided further*, That the total amount of bonds shall not exceed 90% of the assessments levied against the lands of the district.

Approved March 14, 1919.

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## CHAPTER 184.

(H. B. No. 193.)

### AN ACT

TO AMEND SECTIONS 1303, 1307 AND 1308 OF THE COMPILED LAWS OF IDAHO, AND PROHIBITING ANIMALS FROM RUNNING AT LARGE OR BEING HERDED ON THE PUBLIC HIGHWAYS.

*Be It Enacted by the Legislature of the State of Idaho:*

SECTION 1. That sections 1303, 1307 and 1308 of the Compiled Laws of Idaho, are hereby amended to read as follows, to-wit:

Section 1303. A majority of the qualified electors of any district, which district may include one or more voting precincts or parts of any or more voting precincts, may petition the board of County Commissioners in writing to create such district a herd district. Such petition shall describe

the boundaries of the said proposed herd district, and shall designate what animals of the species of horses, mules, asses, cattle, swine, sheep and goats it is desired to prohibit from running at large, *also prohibiting said animals from being herded upon the public highways* in such district; and may designate the period of the year during which it is desired to prohibit such animals from running at large, *or herded on the highways*.

Section 1307. Any person who shall, in violation of any order made pursuant to the provisions of Section 1305, permit or allow any of the animals designated in such order, owned by him or under his control, to run at large in such herd district, *or to be herded on the said highway*, shall be deemed guilty of a misdemeanor. The pendency of any such action shall not prevent nor prejudice the bringing of another action against the same party for a violation of such order committed after the commencement of such pending action.

Section 1308. The owner of animals permitted or allowed to run at large, *or herded* in violation of any order made in accordance with the provisions of Section 1305, shall be liable to any person who shall suffer damage from the depredations or trespasses of such animals, without regard to the condition of his fence; and the person so damaged shall have a lien upon said animals for the amount of damage done, and the cost of the proceedings to recover the same, and may take the animals into custody until all such damages are paid: PROVIDED, That the person so taking said animals into custody shall not have the right to retain the same for more than five days without commencing an action against the owner thereof for such damages. Said damages may be recovered by a civil action before any court or competent jurisdiction, and no such action shall be defeated or affected by reason of any criminal action commenced or prosecuted against the same party under the provisions of the preceding section.

Approved March 6, 1919.

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## CHAPTER 185.

(H. B. No. 206.)

### AN ACT

AMENDING SECTION 894 OF CHAPTER 57 OF THE COMPILED LAWS, RELATING TO ROAD POLL TAX.



*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 894 of chapter 57 of the Compiled Laws is amended to read as follows:

“Section 894. ROAD POLL TAX. The board of county commissioners *may* levy a road poll tax for the highway purposes of the county upon each able-bodied adult male person between the ages of 21 and 50 years within the county, including persons within incorporated *municipalities*, honorably discharged soldiers and sailors of the Civil War, of the *late war with Germany and her allies* and the Spanish-American war excepted; such road poll tax to be of such amount as may be fixed by the board of county commissioners, not exceeding the sum of \$4, to be paid into the road fund of the county. Such tax shall not be payable otherwise than in money, and shall be collected, paid over and accounted for by the road overseers from persons liable therefor within their respective districts, unless the tax collector is designated for that purpose by the board of county commissioners as hereinafter provided. Road poll taxes due from such persons within included municipalities shall be collected by such persons as the board of commissioners may determine: PROVIDED, That when any such tax is collected within the limits of any incorporated *municipality*, 75 per cent of any sum so collected shall be *apportioned and paid over to such municipality* for the benefit of its road fund: And, PROVIDED FURTHER, That all road poll tax collected outside incorporated *municipalities* and road districts shall be apportioned to and used within the respective road districts where collected. *Provided further, that whenever such road poll taxes are collected from persons within the limits of any highway district outside the limits of an included municipality 95 per cent of the amount thereof shall be apportioned and paid to the highway district; and whenever such road poll taxes are collected from persons in a municipality within the limits of a highway district 70 per cent of the amount thereof shall be apportioned and paid to the municipality and 20 per cent to the highway district.*

“The board will make and enforce rules and regulations for the collection of road poll taxes, and at the time of levying the same may provide for the collection thereof by the tax collector of the county in place of the road overseers. On or before the 15th day of November in each year, the clerk of the board of commissioners shall transmit to the tax collector of the county a list of all persons on the road poll tax list of the county whose road poll taxes are delinquent, and

such delinquent road poll taxes shall be collected as other taxes are collected, and, when collected, shall be paid to the county treasurer to the credit of the road fund.

Approved March 11, 1919.

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## CHAPTER 186.

(H. B. No. 213.)

### AN ACT

RELATING TO BOUNTIES ON PREDATORY ANIMALS, AMENDING SECTIONS 1197, 1198, 1198a, 1198b, 1199, 1201, 1202 AND 1204, REPEALING SECTIONS 1200 AND 1203 OF THE COMPILED LAWS AND ENACTING A NEW SECTION KNOWN AS 1200 PRESCRIBING A PENALTY FOR MAKING FALSE CLAIMS FOR BOUNTIES.

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. Section 1197 of the Compiled Laws is amended to read as follows: "Sec. 1197. DEPARTMENT OF AGRICULTURE TO SUPERVISE OPERATIONS. It is hereby made the duty of the *department of agriculture* to exercise a general supervision over the killing and destruction of *such predatory animals* as are in the habit of preying upon and destroying sheep, calves, colts, pigs, poultry, and other domestic animals and fowls and wild game, and to devise and put in operation such methods and means as will best secure and obtain the object of exterminating such wild, destructive and pestiferous animals."

SEC. 2. Section 1198 of the Compiled Laws is amended to read as follows:

"Sec. 1198. BOUNTIES ON WILD ANIMALS. For the purpose of encouraging the destruction of *predatory animals*, the following bounties shall hereafter be paid by the State of Idaho, in the manner hereinafter provided, viz: For each coyote, lynx, and wildcat so destroyed, \$2.50; for each wolf, \$20; and for each cougar or mountain lion, \$50.00."

SEC. 3. Section 1198a of the Compiled Laws is amended to read as follows:

"Section 1198a. SPECIAL TAX FOR BOUNTIES. For the purpose of defraying \* the expense necessary to be incurred under this article, the boards of county commissioners of the several counties of this State, at the time of the



annual levy of taxes, shall levy a special tax of 3 mills on the dollar of the assessed valuation of all sheep, one-half mill on the dollar of the assessed valuation of all cattle; one-half mill on the dollar of the assessed valuation of all hogs; and one-half mill on the dollar of the assessed valuation of all horses, within their respective counties; which shall be collected and remitted to the state treasurer at the same time and in the same manner as other taxes, and kept in a separate fund, *to be known as the predatory animal fund*. The creation of this fund is not be construed as repealing any other act which has been or may hereafter be enacted to provide a predatory animal fund, but is in addition thereto."

SEC. 4. Section 1198b of the Compiled Laws is amended to read as follows:

"Sec. 1198b. PROOF OF CLAIMS: DUTY OF SHERIFF. *Before any person shall receive any bounty provided in this act he shall make proof of his claim therefor by affidavit in such form and by the presentation of such additional proofs as the department of agriculture shall prescribe and to the satisfaction of the department. Proofs may be presented to the sheriff of the county whose duty it shall be to cooperate with and assist the said department in receiving and transmitting such proofs.*"

SEC. 5. Section 1201 of the compiled laws is amended to read as follows:

"Sec. 1201. PREDATORY ANIMAL FUND: CONTINUING APPROPRIATION. *All moneys in the predatory animal fund accrued and accruing under the provisions of section 1198a are hereby permanently appropriated for the purposes of this article.*"

SEC. 6. Section 1202 of the Compiled Laws is amended to read as follows:

"Sec. 1202. ALLOWANCE OF EXPENSES AND BOUNTIES. All bills for expenses and bounties under the provisions of this article shall be certified by the *department of agriculture* to the board of examiners, and when allowed by that board shall be paid by warrants drawn on the predatory animal fund. \* "

SEC. 7. Section 1204 of the Compiled Laws is amended to read as follows:

"Sec. 1204. DISPOSAL OF MONEY RECEIVED. Any and all sums of money whatsoever that have been or may be appropriated by the legislature, or that shall be received by the *department of agriculture*, for the purpose of carrying

out the provisions of this article, shall be forwarded or paid to the state treasurer, who shall receipt for the same in duplicate, one to be given to the *department of agriculture*, and the other to the state Auditor, and the same when received, shall be credited to the predatory animal fund, and be paid out as provided in this article."

SEC. 8. Section 1200 and 1203 of the Compiled Laws are hereby repealed.

SEC. 9. There is hereby inserted a new section to be known as section 1200, as follows:

"Section 1200. PENALTY FOR FALSE CLAIMS. *Any person who claims a bounty on a predatory animal killed outside of the state of Idaho or who twice makes a claim for the same animal shall be guilty of a felony.*"

Approved March 14, 1919.

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## CHAPTER 187.

(H. B. No. 215.)

### AN ACT

TO AMEND SECTION 841 OF THE COMPILED LAWS OF THE STATE OF IDAHO RELATING TO THE ESTABLISHMENT AND LOCATION OF A SUPREME COURT BUILDING AND LIBRARY FOR THE STATE OF IDAHO AT LEWISTON, IDAHO, FOR THE USE OF THE SUPREME COURT OF THE STATE AND PROVIDING THE CARE AND CUSTODY THEREOF; FOR THE MAKING OF RULES THEREFOR AND PROVIDING FOR THE TRANSFER OF BOOKS THEREFROM, FROM TIME TO TIME, TO THE LIBRARY OF THE UNIVERSITY OF IDAHO AND FOR THE RECALL THEREFOR.

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. That section 841 of the Compiled Laws of the State of Idaho be, and the same is hereby amended to read as follows:

Sec. 841. A supreme court building and a library for the state of Idaho is hereby established and located in the City of Lewiston, in the County of Nez Perce, for the use of the supreme court of the state. *Save as hereinafter provided*, the care, custody and keeping of said library shall be committed to the deputy clerk of the supreme court located at Lewiston, Idaho, under rules and regulations to be prescribed by the justices of the supreme court from time to time.



*PROVIDED, HOWEVER, the said justices may from time to time by order, cause to be transferred from said library to the law section of the library of the university of Idaho such books as in their opinion can be withdrawn without seriously impairing the usefulness of the library, under such regulations as said justices may prescribe. That all books so transferred shall be kept in the law section of said university library in the custody and keeping of the librarian of the university of Idaho, subject to recall by the justices of the supreme court at their discretion, whereupon they shall be promptly returned by the university librarian.*

Approved March 11, 1919.

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## CHAPTER 188.

(H. B. No. 218.)

### AN ACT

TO AMEND CHAPTER 62 OF THE COMPILED LAWS OF IDAHO BY ADDING THERETO SECTION 62:40a, PROVIDING FOR AN ADDITIONAL TAX LEVY BY HIGHWAY DISTRICTS FOR THE PURPOSE OF LOCATING AND CONSTRUCTING MAIN OR TRUNK HIGHWAYS AND REGULATING THE DISBURSEMENT OF THE PROCEEDS OF SUCH LEVY.

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Chapter 62 of the Compiled Laws of Idaho be, and the same hereby is amended by adding thereto a new section, designated as Section 62:40a, as follows:

62:40a. That in addition to all other taxes authorized to be levied by any highway district created under the laws of Idaho, any such highway district, having no bonded indebtedness in excess of five (5%) per cent. of the assessed valuation of all taxable property in such district as shown by the last preceding assessment, may levy a special tax of not exceeding fifty (50) cents on each one hundred (\$100.00) dollars in value of taxable property within such district for the purpose of defraying all or any portion of the expense of locating or constructing any main or trunk highway traversing such district: Provided, However, that the proceeds of such levy shall be credited by such district to a special fund, to be known as the main trunk or highway fund, and shall be disbursed only in payment for such location or construc-

tion work on such main or trunk highway as may conform to plans and specifications adopted by the District Highway Commissioners.

Approved March 13, 1919.

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## CHAPTER 189.

(H. B. No. 226.)

### AN ACT

PROVIDING FOR THE IMPROVEMENT OF SHOSHONE FALLS PARK, AND MAKING AN APPROPRIATION THEREFOR.

WHEREAS, pursuant to an act of the legislature of the State of Idaho, approved March 16th, 1909, certain lands in Section 36, Township 9, South, of Range 17 E. B. M., lying immediately west of Shoshone Falls in Twin Falls County, comprising 197.6 acres, became the property of the State, with the provision that "the same shall become dedicated, improved and maintained as a State Park for the free use and enjoyment of the public";

And, Whereas, aside from the amount appropriated in the Act referred to no appropriation has ever been made by the State to improve or maintain said Park;

And, Whereas, it is now proposed by the people of Twin Falls County, acting through the Shoshone Falls Park Association, to erect at large expense a suitable monument or other memorial to the soldiers, sailors and marines who entered the service of their country in the war with Germany, either on the land embraced in said State Park or on property adjoining the same, and in connection therewith construct a permanent and surfaced drive from the city of Twin Falls to and along the Canyon of Snake River through the Park to the Falls;

And, whereas, the carrying out of the plan proposed will be of great benefit to the State in making more accessible and attractive one of the greatest scenic features of the world;

Now, Therefore,

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. That for the purpose of improving and beautifying Shoshone Falls Park in the way of planting trees, developing springs and water courses, constructing walks, stairs, bridges and seats, obtaining water rights, and adding



other improvements and conveniences, and in caring for and maintaining the same, there is hereby appropriated the sum of Ten Thousand Dollars.

SEC. 2. The money appropriated by section 1 of this Act shall be drawn and expended for the purposes above named by a board of three State Park Commissioners who shall be appointed by the Governor and serve without compensation; *provided, however*, that before any portion of such appropriation is used there shall be raised and ready for use by Shoshone Falls Park Memorial Association the amount of money required to construct a permanent and suitable drive from the city of Twin Falls, to and along Snake River canyon through the Park to Shoshone Falls, and to construct a fitting monument or other memorial to the soldiers, sailors and marines who entered the service of the United States in the war with Germany, it being the purpose and intent of this Act to require the furnishing by said Memorial Association for the improvement of said State Park by the construction therein of said drive or in some other manner approved by said State Park Commissioners, an amount of money which shall equal that used out of the appropriation made by section 1 hereof, and that, of the amount so appropriated only such sum shall be used as shall equal the sum expended by said Memorial Association in the construction of said drive through the Park and the erection of said monument or other memorial.

SEC. 3. That permission is hereby given to the construction of the drive proposed through the Park, the work to be done under the supervision and to the satisfaction of said State Park Commissioners, and to the erection of such monument or other memorial within the limits of the Park at such place as said Memorial Association may determine.

SEC. 4. That prior to the first day of January, 1921, said State Park Commissioners shall make full and detailed report of the State Board of Land Commissioners of the amount expended under the provisions of this Act, the character and extent of the improvements made in said Park together with the character and extent of the drive and memorial constructed by said Memorial Association and the amount expended therefor.

Approved March 17, 1919.

**CHAPTER 190.**

(H. B. No. 257.)

**AN ACT**

TO AMEND SECTION 4F OF CHAPTER 133 SECTIONS 3046  
AND 3048 OF THE COMPILED LAWS OF IDAHO.

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 4F of Chapter 133 of the Compiled Laws of Idaho, be and the same is hereby amended to read as follows:

133:4F. Same. Capital Stock. Capital Stock of corporations to the amount actually invested in or represented by property which has been assessed. *Stock building and loan corporations or associations, organized to accumulate the savings of members and loan the proceeds on real estate security or obligation secured by lien, tax or assessment on real property, for the benefit of the members.*

SEC. 2. That Section 3046 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Section 3046. Corporations organized for the purpose of erecting buildings and making improvements on real estate, *or for the accumulation of savings and funds of its members and lending same upon real property*, may raise funds in shares not exceeding \$200 each, payable in full or in periodical installments. Such bodies are known as land and building corporations and may be organized with or without capital stock.

SEC. 3. That Section 3048 of the Compiled Laws of Idaho be and the same is hereby amended to read as follows:

Section 3048. Any such corporation may purchase real estate and erect buildings for its members and make loans  
\* \* \* \* \* *upon, and secured by, improved real property.*

Approved March 14, 1919.

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**CHAPTER 191.**

(H. B. No. 260.)

**AN ACT**

AMENDING SECTION 6060 OF THE COMPILED LAWS OF  
IDAHO, RELATING TO THE NOTICE OF TAKING DE-  
POSITIONS.



*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 6060 of the Compiled Laws of the State of Idaho be amended by adding thereto paragraph 4, as follows:

Section 6060. NOTICE TO TAKE DEPOSITIONS. A party wishing to take depositions shall give notice to the adverse party, if there be only one person; if there be several, to any one of them who is a real party in interest, his agent or attorney. Such notice shall specify:

1. The cause or matter in which the deposition is to be used.

2. The court or tribunal in which the trial is to be had.

3. The time and place of taking the deposition, and the names of the witnesses.

4. *That after the default of any defendant has been entered no notice of the taking of any depositions shall be served upon said defendant in default.*

Approved March 11, 1919.

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## CHAPTER 192.

(H. B. No. 272.)

### AN ACT

PROVIDING RULES AND REGULATIONS FOR THE MARKING OF FRUIT BOXES OR PACKAGES: PROHIBITING FALSELY MARKING OR REMARKING BY SHIPPERS, BUYERS, SELLERS OR OTHERS: PRESCRIBING THE DUTIES OF THE COMMISSIONER OF AGRICULTURE IN CONNECTION WITH RULES AND REGULATIONS TO GOVERN PACKING AND GRADING OF APPLES, NOTICES AND HEARING IN RELATION THERETO, AND PROHIBITING THE MARKING OF PACKAGES CONTRARY THERETO; PROVIDING FOR INSPECTION OF FRUITS AND THE ISSUANCE OF CERTIFICATES OF INSPECTION BY THE COMMISSIONER OF AGRICULTURE, AND PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ACT:

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. *Fruit Boxes: How Marked: Misuse of Labels.* It shall be the duty of every person growing or packing and selling, offering for sale or shipping in closed boxes

or packages, any fruit grown in this State, to plainly mark the same on the outside of the box or package with the name of the variety contained therein or with the words "variety unknown," the name of the place or locality where grown and the name of the grower, or, in case of sale or shipment through an association or organization of growers, the name of such association, and the lot number of the grower, and, in case of apples, pears or peaches, the net weight or the number contained in the package, and it shall be unlawful for any person to mark, or place upon, any package the name of any other place of locality than the place where such fruit was grown except the place to which shipped, or to falsely mark any such package as to variety, name of grower, association or organization or place where grown, or to obliterate or change the original marks on any such package or to re-mark the same with the name of any other grower or of any other place than that by or in which the contents were grown, or in case such package is marked with the name of an association or organization of growers to re-mark the same with the name of any other association or organization, and it shall be unlawful for any person, having in his possession for sale, or offering for sale, or selling any fruit grown in this state and shipped in closed packages, to re-pack the same in the boxes or packages of any other grower or shipper or from any other place, or to sell or offer for sale in closed packages any such fruit except in the original packages, or to pack in or offer for sale, from any marked box or package, any fruit other than that originally contained or shipped therein. In addition to the marks required to be placed upon any closed package of fruit grown in this state, as hereinabove provided, the grower thereof, or association or organization of growers packing the same, may mark upon the outside of such package the grade of the fruit contained therein, and it shall be unlawful for any person to re-mark any such closed package as a higher or superior grade than that originally marked by the grower thereof or association or organization packing the same, or for any person other than the grower or association or organization packing such fruit grown in this state to place any such closed package, not marked with the grade of the contents thereof, any mark or brand indicating the grade of such contents. Provided that nothing in this section shall be construed to apply to canned or dried fruit.

SEC. 2. *Apple Grades: Annual publication of Regulations.* It shall be unlawful for any grower thereof or association or organization of growers packing apples to mark the package with the grade of the contents unless such con-



tents shall comply with the general rules and regulations made, adopted, issued and published from time to time by the Commissioner of Agriculture, which general rules and regulations shall govern the packing of apples and define and establish the standards for the several grades thereof; which general rules and regulations shall be adopted, issued and published within ninety days after the taking effect of this Act and the Commissioner of Agriculture is authorized and directed in the month of January of each year to make, adopt, issue and publish general rules and regulations governing the packing of apples and establishing and defining the grades thereof for the ensuing calendar year and in adopting the same the Commissioner is authorized to consult and advise with fruit growers, the officers of associations or organizations of apple growers or distributors or dealers in apples.

SEC. 3. *Inspection: Certificate of Inspection.* For enabling the Commissioner of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, he shall, upon request of interested parties, inspect or cause to be inspected as to condition and grading by authorized inspectors, by him appointed, any or all fruits prepared or being prepared for shipment and is hereby authorized to issue certificates of inspection to said shippers or other interested parties, certifying as to the condition and grade of such fruits, under such rules and regulations as he may prescribe, including payment, by party requesting such inspection, of such fees as will be reasonable and as nearly as may be to cover the cost for services rendered. In carrying out the provisions of this Act the Commissioner of Agriculture may cooperate with the U. S. Department of Agriculture or other inspection agencies.

SEC. 4. *Violation: Penalty:* Any person who violates any provision of this Act shall, upon conviction thereof, be adjudged guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or shall be imprisoned in the county jail not less than ten days nor more than six months, or shall be punished by both fine and imprisonment.

Approved March 14, 1919.

**CHAPTER 193.**

(H. B. No. 274.)

**AN ACT**

PROVIDING FOR THE ISSUANCE AND SALE OF STATE BONDS IN THE SUM OF \$2,000,000; APPROPRIATING THE PROCEEDS OF THE SALE THEREOF FOR THE PAYMENT OF A PORTION OF THE COST OF LAYING OUT, SURVEYING THE CONSTRUCTING A SYSTEM OF STATE HIGHWAYS IN THE STATE OF IDAHO; PROVIDING BY A TAX LEVY A REDEMPTION OR SINKING FUND FOR THE PAYMENT OF THE SAID BONDS AT MATURITY AND THE INTEREST THEREON AS THE SAME BECOMES DUE; APPROPRIATING THE MONEYS WHICH SHALL ACCRUE TO SUCH SINKING FUND FOR THE PURPOSES FOR WHICH PROVIDED; DIRECTING THE DEPARTMENT OF PUBLIC WORKS HOW TO APPLY THE PROCEEDS OF THE SALE OF SAID BONDS HEREBY AUTHORIZED; AND PROVIDING FOR THE APPROVAL OR REJECTION HEREOF BY THE PEOPLE OF THE STATE.

*Be it Enacted by the Legislature of the State of Idaho:*

SEC. 1. For the purpose of providing moneys to be used in paying for a portion of the cost of laying out, surveying and constructing a system of state highways in the state of Idaho a loan of \$2,000,000 is hereby authorized to be negotiated upon the faith and credit of the state of Idaho.

SEC. 2. The State Treasurer is hereby authorized, empowered and directed to issue bonds of the state in such denominations as he deems advisable, aggregating the amount of the loan authorized in section 1, which shall be known as Idaho state highway bonds, fourth issue, and shall become due 20 years from the date of their issuance. Such bonds shall bear interest at a rate which shall not exceed the rate of five percentum per annum, and such interest shall be paid in equal semi-annual installments upon the 1st day of January and the 1st day of July in each year. Such installments of interest shall be evidenced by 40 interest coupons attached to each bond in such manner that they may be detached and removed without mutilating either the bond or the coupons themselves and be numbered consecutively from 1 to 40 inclusive. Any or all of said bonds may, at the pleasure of the state, be paid off and redeemed after 10 years from the date of issuance.

SEC. 3. The state treasurer shall cause to be printed or



lithographed suitable bonds in proper form with interest coupons attached thereto for the purpose of carrying out the provisions of this act.

SEC. 4. All bonds issued under and by virtue of the provisions of this act shall be signed by the governor of the state of Idaho with his own proper name and in his official capacity. They shall likewise be signed by the secretary of state in his official capacity and be authenticated by having attached to each the great seal of the state of Idaho.

SEC. 5. After being signed by the governor and the secretary of state and being authenticated as hereinbefore provided the said bonds shall be delivered to the state auditor who shall make and keep in his office a register fully and properly describing each bond and the interest coupons attached thereto in the manner and form in which bonds heretofore issued by the state of Idaho are described in the registers thereof kept in the office of the state auditor. Having so registered the same, the state auditor shall deliver the bonds to the state treasurer and shall charge the treasurer with the full par value thereof.

SEC. 6. The state treasurer shall make and keep in his office a register of all bonds issued under the provisions of this act, which register shall show all those things required to be shown by the register thereof kept in the office of the state auditor and such other information with respect thereto as the treasurer shall deem it proper and necessary to record.

SEC. 7. When ready to make delivery of same the state treasurer shall sign each of said bonds with his own proper name and in his official capacity as such state treasurer and each of the interest coupons attached thereto shall have the lithographed or printed facsimile signature of the state treasurer, which signatures shall bind the state of Idaho. The state treasurer shall make delivery of the bonds to the purchaser thereof on behalf of the state of Idaho and shall at the same time make collection from said purchaser of the full amount of the price for which the same are sold.

SEC. 8. All moneys received from the sale of the Idaho state highway bonds, fourth issue, shall be paid into the Idaho state highway fund. Such moneys are hereby appropriated and made available for the laying out, surveying and constructing of a system of state highways in the state of Idaho, including all bridges, culverts and grades and the purchase of rights of way forming a part thereof or being necessary to be had, used or occupied in connection there-

with and for such purposes only. No moneys shall at any time be withdrawn permanently from said fund except upon the warrant of the state auditor.

SEC. 9. For the purpose of creating a fund, which said fund is hereby designated as the state highway redemption fund, fourth bond issue, out of which shall be paid the principal and interest upon the bonds to be issued under and by virtue of the provisions of this act there is hereby levied a tax of four-tenths of one mill (\$.0004) upon each dollar in value of the taxable property within the state, the same to be known as the state highway tax, and the proceeds of the same are hereby appropriated and set aside until such time as the said Idaho state highway bonds, fourth issue, and all interest which shall have accrued thereon are fully paid and redeemed. The moneys accruing from the source above mentioned, which are hereby diverted, appropriated and set aside for the purpose above set forth, shall be by the state auditor and state treasurer credited to and placed in the said state highway redemption fund, fourth bond issue, out of which fund the state treasurer shall pay the interest upon the Idaho state highway bonds, fourth issue, as the same shall become due, and upon any day upon which the interest coupons attached to said bonds become due, beginning January 1, 1931, he shall also pay so much of the principal of said bonds as it may be possible to pay after reserving in said fund moneys sufficient in amount to pay the interest upon those said bonds then outstanding which will accrue and become due during and within the next ensuing year.

SEC. 10. If at any time there shall not be sufficient moneys in the said state highway redemption fund, fourth bond issue, to pay the interest upon or principal of the Idaho state highway bonds, fourth issue, authorized by this act, then due, the state treasurer shall pay the same out of the general fund of the state. The state treasurer shall, however, as soon thereafter as sufficient moneys for that purpose have accrued to the said state highway redemption fund, fourth bond issue, repay to the state general fund all amounts taken therefrom under this provision and not previously repaid.

SEC. 11. For the payment of the bonds authorized to be issued under and by the provisions of this act and the interest which shall accrue thereon, according to the strict terms thereof, the faith and credit of the state of Idaho is solemnly pledged, and for the payment of such bonds and the interest thereon in lawful money of the United States of



America as and when the same shall become due the state treasurer shall reserve any and sufficient of the money in his hands, at the least possible cost, in preference to all other claims whatsoever, except the interest upon and the principal of other bonds of the state of Idaho heretofore issued under acts of the legislature of said state.

SEC. 12. The state treasurer shall give two weeks' notice by publication in two newspapers of general circulation, one of which is published in the state of Idaho, of the intention of the state to sell the bonds authorized by the provisions of this act, and shall invite bids therefor. Said bonds must be sold at not less than the par value thereof, upon the best terms offered and at the lowest rate of interest named by any bidder. The state treasurer shall have the right to reject any and all of the bids offered and may readvertise for bids, as herein provided.

SEC. 13. The expenses of printing or lithographing and procuring suitable bonds with interest coupons attached, for the purpose of carrying out the provisions of this act, shall be paid out of the moneys arising from the sale thereof as an expense incident to the laying out, surveying and constructing of said system of state highways.

SEC. 14. The said state highway bonds, fourth issue, to be issued under the provisions of this act, shall bear date of January 1, 1921, and become due January 1, 1941. Both bonds and interest coupons herein authorized to be issued shall be payable at the office of the state treasurer at Boise, Idaho.

SEC. 15. The department of public works of the state of Idaho is hereby directed to apply the proceeds of the said Idaho state highway bonds, fourth issue, as follows, to wit:

To the completion or construction of state roads or bridges in cooperation with counties and highway districts of the state of Idaho or the federal government or both, in such amounts as deemed proper by the department.

The foregoing allotment is made contingent upon the availability of cooperative funds to be supplied by counties, highway districts and the federal government, as provided by law, or funds supplied by private donation or received from any other source, and should it appear to the satisfaction of the department of public works at any time subsequent to January 1, 1922, that cooperative funds will not be supplied in the necessary amounts to make use of the entire amount herein appropriated, the department of public works may use, at its discretion any remainder for the con-

struction or completion of such state highways as deemed by it for the best interests of the state.

SEC. 16. This act shall not take effect until at the next general election it shall have been submitted to the people and shall have received a majority of all the votes cast for or against it at such election.

The question to be submitted to the electors of the state at the next general election in order to determine whether they will approve or reject this act, shall be as follows:

Shall a bond issue of \$2,000,000 be authorized for the laying out, surveying and constructing of state highways?

SEC. 17. The secretary of state is directed to publish this act in one newspaper in each county, if one be published therein, throughout the state for three months next preceding the next general election. The secretary of state is directed to certify to the county auditors and the latter to print on the ballots at the next general election the foregoing question. The returns on said question shall be counted, canvassed and certified in the manner provided by law for constitutional amendments.

Approved March 14, 1919.

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#### SENATE JOINT MEMORIAL NO. 1.

TO THE HONORABLE D. W. DAVIS, GOVERNOR OF IDAHO:

*Your Memorialists, the Legislature of the State of Idaho,  
Respectfully Represent; that,*

WHEREAS, The telegraphed announcement of the death of Honorable Theodore Roosevelt brings to each of us a sense of personal and general loss, in the passing away of him whom we believed to be the greatest American citizen of his generation;

WHEREAS, Honorable Theodore Roosevelt, as a public official, a brave soldier, President of the United States, and finally as the leading private citizen of his country, has, through the force of his utterances and example of his life, been the chief factor in remodeling and reviving the plans and purposes of our Government, and of bringing home to its people more clearly the need for civic righteousness;

WHEREAS, The American public will hold his memory in grateful regard; we feel that the people of this state, in commemoration of the passing of this great American, will desire to show their sorrow and regard in a becoming way.



IT IS THEREFORE RESOLVED, That his Excellency, Hon. D. W. Davis, Governor of Idaho, is hereby petitioned to declare, by Executive Proclamation, the day appointed for the funeral obsequies a public holiday, when all public offices shall close, and we express the hope that in this Proclamation it shall be requested that business, so far as possible, shall cease for a time on that day, and that appropriate memorial services shall be held in the churches and schools.

RESOLVED, The Secretary of the State of Idaho, is hereby instructed to present this memorial to the Governor of the State, Hon. D. W. Davis, as soon as it shall have been passed by the Senate and House of Representatives of Idaho; and shall also be instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and copy of the same to the Senators and Representatives in Congress from this State. He is also hereby instructed to forward a copy of this Resolution to Mrs. Theodore Roosevelt.

Passed the Senate on the 8th day of January, 1919.

Passed the House of Representatives on the 8th day of January, 1919.

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### SENATE JOINT MEMORIAL NO. 3.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*We, Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; that,*

WHEREAS, The construction of a suitable wagon road over which auto trucks can be operated up the South Fork of the Clearwater River, in Idaho County, State of Idaho, beginning either at the town of Stites, or the City of Grangeville, both being railroad terminal points, thence up said river to the gold mining districts of Elk City, Dixie and Buffalo Hump, is a great public and national necessity, and

WHEREAS, Since the announcement by the honorable secretary of the treasury, "That next in importance to war munitions and food stuffs, was a greater production of gold," the question of a greater production of gold has ever since and now is being seriously considered by the national government, and that said question is now being considered by the national committee, with a view of determining what

is the best method of bringing about the desired results, and that in all probability there soon will be large appropriations made for the construction of highways into the gold districts, where needed, and

WHEREAS, Said proposed highway would intersect the gold mining districts as follows: Clearwater, Ten Mile, Elk City, Dixie, Oro Grande, and Buffalo Hump, all known to be gold producing sections, and with proper transportation would yield a large output of the precious metal, now so much desired by the government, and

WHEREAS, The construction of such a road was contemplated something like two years ago and data compiled and submitted to the government, showing the necessity for such a road from a cheaper postal operating expense, as well as the operating of the national forest department, and that the same was approved by the government on a basis of fifty fifty, and

WHEREAS, Under present conditions, the constitutional limitations of the State of Idaho prohibit the raising of a sufficient fund to meet the government on said fifty fifty basis, and that locally the county and state are bonded to their limit for other road purposes, including the North and South Highway, which is now under construction, and

WHEREAS, Such a highway would not only be a great benefit in opening up the several gold districts mentioned but would ultimately be extended and be another artery or highway extending across the country, connecting with said North and South Highway, and would be a great benefit to the government in lessening the operating expenses from both parcels post and forest reserve departments, and would also open up a vast grazing country and timber lands, and would be a great accommodation to something like two hundred fifty homesteaders along said route, or adjacent thereto,

NOW, THEREFORE, BE IT HEREBY RESOLVED, That we, your memorialists, do recommend that \$500,000 be appropriated, or so much thereof as may be necessary, to construct said highway or wagon road as aforesaid,

The Secretary of State is hereby instructed to forward copies of this Memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed the Senate on the 24th day of January, 1919.

Passed the House of Representatives on the 30th day of January, 1919.



## SENATE JOINT MEMORIAL NO. 4.

## SUBSTITUTE FOR JOINT MEMORIAL NO. 2.

TO THE HONORABLE SENATE OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent that,*

WHEREAS, The State of Idaho has, for approximately a quarter of a century, permitted the exercise of the voting franchise by the women of this State, and accorded to them equal political rights, and

WHEREAS, Woman's suffrage in this State has been conducive to good government, has purified our politics, made better homes, and the influence of Idaho's women exerted at the polls has been for the best interests of the State.

BE IT RESOLVED, That the Senate of the State of Idaho, The House of Representatives concurring therein, do hereby memorialize the Senate of the United States and respectfully urge that it adopt and pass House Joint Resolution No. 200, proposing an amendment to the Constitution of the United States extending the right of suffrage to women, and

BE IT RESOLVED, That the Secretary of State of the State of Idaho be, and is hereby requested to forward a copy of this memorial to the Senate of the United States and copies thereof to our Senators and Representatives in Congress.

Passed the Senate on the 22nd day of January, 1919.

Passed the House of Representatives on the 23rd day of January, 1919.

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SENATE JOINT MEMORIAL NO. 5.

A JOINT MEMORIAL TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

*Your Memorialists, the Senate and the House of Representatives of the State of Idaho, Represent that*

WHEREAS the soldiers of the Civil War, the War with Spain, and the Philippine Insurrection, were granted by Act of Congress the privilege of applying the length of period of their service in lieu of residence in making homestead

proofs,—the same to apply up to within one year of length of residence required, and

WHEREAS the wisdom of said law has manifested itself in the case of thousands of homestead entrymen who had seen military service and who were able thru this provision of the law to better protect their families in the acquiring of homesteads, and

WHEREAS many thousands of those who have seen military or naval service in the War with Germany and her Allies and during the troubles on the Mexican Border will desire to avail themselves of the homestead laws of the United States, and

WHEREAS there is now pending in Congress a bill, H. R. 13353, by Representative Burton L. French, extending the privileges of the laws as they apply to Civil War, Spanish War and Philippine Insurrection veterans to the persons engaged in the military or naval service of the United States in the war with Germany and her Allies and the trouble on the Mexican Border,

THEREFORE BE IT RESOLVED that we, the Senate of the State of Idaho, the House of Representatives concurring therein, do hereby memorialize the Congress of the United States of America that it enact the legislation above referred to at the earliest practicable time in common justice to the persons recently engaged in the military and naval service of the United States and in the interest of home-building in the West.

Passed the Senate the 14th day of February, 1919.

Passed the House of Representatives the 21st day of February, 1919.

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#### SENATE JOINT MEMORIAL NO. 6.

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

*Your Memorialists, the Senate and House of Representatives of the State of Idaho, Respectfully Represent; that*

WHEREAS, our nation suffered a sense of bereavement personal to every American when the Maker of Men recalled the intrepid soul of Theodore Roosevelt, the most virile, most brilliant, best loved and typical American of his time, whose remarkable career and accomplishments as athlete,



plainsman, soldier, author, explorer, president and apostle of undiluted Americansim have made him a figure to touch and inspire the imagination of youth, for generations, and

WHEREAS, one of his many great achievements is represented by the canal between the Atlantic and Pacific Oceans which his constructive and practical genius, brushing aside the bickerings, debates and delays of fifty years, made possible,

NOW THEREFORE, BE IT RESOLVED, That we, your memorialists, urgently recommend that the Congress of the United States by proper enactment change the name of The Panama Canal from that of The Panama Canal to "The Roosevelt Canal", so that the same shall stand in name as well as in historical fact, an enduring monument to his greatness, a constant reminder that the Canal is like the great President who started it, unqualifiedly American, and

BE IT ALSO RESOLVED, That a copy of this memorial be sent to each of the members of the Congressional delegations of the State of Idaho to the Congress of the United States and to each Body of said Congress.

Passed the Senate on the 30th day of January, 1919.

Passed the House of Representatives on the 5th day of February, 1919.

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#### SENATE JOINT MEMORIAL NO. 7.

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; that,*

WHEREAS, Within the County of Idaho, State of Idaho, there is an area of unsurveyed public land which when surveyed will be approximately the North Half of Township 26 North, Range 6 East; the South Half of Township 27 North, Range 6 East; the Southwest quarter of Township 27 North, Range 7 East and the Northwest quarter of Township 26 North, Range 7 East, B. M., and which is now entirely surrounded by lands of the United States set aside and withdrawn for National Forest purposes under the name of the Nezperce National Forest, and,

WHEREAS, Said area is rich in timber, water power, minerals, forage and game and practically devoid of land having any possible agricultural value, and,

WHEREAS, The said area has been subjected repeatedly to the ravages of fire which imperils the remaining timber and against which under existing conditions it is impossible to guard the area, and,

WHEREAS, Wild life on said area is being rapidly exterminated and the forage resources destroyed by overgrazing and unregulated use, and,

WHEREAS, The development of the mineral resources of the said area is retarded by its present lack of transportation facilities, and

WHEREAS, The inclusion of said area within a National Forest would protect the great natural resources of said area from damage by fire and other destructive agencies and make such resources a contributing factor to the development and prosperity of the State of Idaho.

NOW THEREFORE, BE IT RESOLVED, That we, your memorialists, earnestly request and recommend that your Honorable Body take such action as may be necessary to make the area first in this memorial described, to wit: Approximately the North Half of Township 26 North, Range 6 East, the South Half of Township 27 North, Range 6 East, the Southwest Quarter of Township 27 North, Range 7 East and the Northwest Quarter of Township 26 North, Range 7 East, B. M., a part of said Nez Perce National Forest and subject to the laws governing the same.

The Secretary of State of the State of Idaho is hereby instructed to forward a copy of this memorial to the Senate of the United States, to the House of Representatives of the United States, and to each member of the Congressional delegation from the State of Idaho.

Passed the Senate on the 3rd day of February, 1919.

Passed the House of Representatives on the 7th day of February, 1919.

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#### SENATE JOINT MEMORIAL NO. 8.

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho,  
Respectfully Represent, that*

WHEREAS, A large body of desirable land consisting of approximately 40,000 acres susceptible of practical irriga-



tion lies in Cassia County, Idaho, between the Minidoka and Twin Falls-Oakley Projects, the major part whereof is composed of desert entries; and

WHEREAS, The settlers thereon have organized themselves into an association looking to the final reclamation of said lands, have filed upon a water right therefor, and have secured a survey and examination of said land by competent engineers who report it feasible to reclaim the same by a pumping system operated with power from the Minidoka Dam, lifting waters to a final maximum of 175 feet from the Snake River; and

WHEREAS, The said settlers, in order to assist the Government in providing farms for honorably discharged soldiers, are willing that their entries be diminished on such terms as to the Government may seem just; and

WHEREAS, The reclamation of the acreage specified would greatly increase the agricultural products of the state and nation;

NOW, THEREFORE, Your Memorialists urgently recommend and pray that legislation be enacted authorizing the National Reclamation Service to determine the feasibility of reclaiming said lands, and that upon a favorable report, the reclamation of the same be prosecuted with all possible dispatch.

Passed the Senate on the 17th day of February, 1919.

Passed the House of Representatives on the 18th day of February, 1919.

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#### SENATE JOINT MEMORIAL NO. 9.

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

*Your Memorialists, the Senate and House of Representatives of the State of Idaho, Represent: that,*

WHEREAS, Since our Nation has entered the great conflict for the high purpose of preserving throughout the world the blessings of democratic government and to make the world safe from the dangers of autocratic governments, bent on military rule, and victory has blessed our aims, and

WHEREAS, Aliens bearing no allegiance to our government, but sharing its benefits, and having every opportunity to labor on terms of equality with our citizens who are bear-

ing arms for its defense, while these aliens risk neither life or property, and

WHEREAS, Taking advantage of this Nation's peril, many of said aliens have become dangerous and undesirable residents of this country, joining treasonable and seditious organizations of unpatriotic origin, have publicly proclaimed contempt for the flag that shelters and protects them, preaching and practicing sabotage, destruction of property and the overthrow of our government and establishing a government of bolshevism and red flag type, and have committed acts resulting in the arrest and conviction of many of this element together with their disloyal associates and are growing bolder in their opposition to law and order and our established form of government.

NOW THEREFORE, BE IT RESOLVED, That we, the Senate of the State of Idaho, and the House of Representatives concurring therein, do hereby memorialize the Congress of the United States of America to enact drastic laws for the prompt arrest, detention, punishment and deportation of all such aliens, and that the citizenship of all naturalized aliens in this country be made to depend on their loyalty and good citizenship,—and that no alien be naturalized who cherishes any disloyal sentiments or views or ideals antagonistic to our form of government.

The Secretary of State of the State of Idaho is hereby instructed to forward certified copies of this memorial to the Senate and House of Representatives of the United States of America, and copies of the same to our Senators and Representatives in Congress.

Passed the Senate on the 3rd day of March, 1919.

Passed the House of Representatives on the 8th day of March, 1919.

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## SENATE JOINT MEMORIAL NO. 11.

### A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Senate and the House of Representatives of the State of Idaho, Respectively Represent:*  
That,

WHEREAS, There is at the present time need of furnish-



ing employment to our brave soldiers, sailors and marines who are daily returning from the battlefields of Europe,

WHEREAS, There is also need of providing arable lands upon which many of them may find homes,

WHEREAS, The State of Idaho has many acres of lands admirably adapted to farming and to furnishing homes for our soldiery, such land lacking only the water necessary for its irrigation, and

WHEREAS, The government has already started the Fort Hall Project in Idaho, which project embraces 50,000 acres of land, only 23,000 of which are now irrigated, which irrigated area last year produced over \$800,000 worth of food stuffs.

WHEREAS, The enlargement and completion of this project would put under cultivation 27,000 acres of land, which enlargement and completion would require no preliminary investigations or surveys, but would require an appropriation of \$550,000 as provided in a bill introduced by the late Senator James H. Brady in the 55th Congress (Senate No. 3226),

WHEREAS, There is adjoining said project between Pocatello and American Falls, Idaho, an area of between 30,000 and 40,000 acres of additional land capable of similar production when properly irrigated, and

WHEREAS, An extension of the Fort Hall Project could be made to cover such area at a cost of approximately half a million dollars,

NOW, THEREFORE, *Be It Resolved*, That we, your memorialists, the Senate and House of Representatives of the State of Idaho, earnestly recommend that Congress make an appropriation of one million dollars to cover the cost of such completion and extension of the Fort Hall Project.

The Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and to send copies to the Senators and Representatives in Congress from this State.

Passed the Senate on the 24th day of February, 1919.

Passed the House of Representatives on the 5th day of March, 1919.

## SENATE JOINT MEMORIAL NO. 12.

## A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent: That*

WHEREAS, During the year 1910 N. B. Pettibone entered into a four year contract with the Government of the United States for the carrying of the mails from Stites, Idaho, to Elk City, Idaho, a distance of approximately 60 miles, and

WHEREAS, Some time after the entering into said contract the parcels post system was established by the Government thereby rendering the sending of packages by mail much cheaper than by freight or express for the distance involved, and

WHEREAS, The mails were so increased by reason of the cheap parcels post rate, the mines even sending out their ores and concentrates by mail and shipping in their supplies in the same way, thus compelling N. B. Pettibone to more than double his equipment and service in order to carry out his contract, and

WHEREAS, In spite of this great financial burden forced upon him by circumstances over which he had no control, a burden so great that it entailed a loss of many thousands of dollars, the N. B. Pettibone did not repudiate his contract with the Government, but faithfully carried out, the Government reaping the benefit of his personal sacrifice,

NOW, THEREFORE, Your memorialists urgently request that the Congress of the United States pass a relief bill for the benefit of N. B. Pettibone to the amount of the loss sustained by N. B. Pettibone in the carrying out of his contract with the Government.

That the Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from this State.

Passed the Senate on the 3rd day of March, 1919.

Passed the House of Representatives on the 5th day of March, 1919.



## SENATE JOINT MEMORIAL NO. 13.

## A JOINT MEMORIAL

TO CONGRESS REQUESTING REIMBURSEMENT TO CITIZENS OF IDAHO FOR SACKED GRAIN SHIPPED AT THE DIRECTION OF THE UNITED STATES FOOD ADMINISTRATION GRAIN CORPORATION FOR WHICH NO ALLOWANCE WAS MADE FOR SACKS.

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent: that,*

WHEREAS, The United States Food Administration Grain Corporation agreed in the beginning of the season of 1918 to allow a premium of nine cents per bushel over the bulk price for wheat delivered in sacks to all Pacific Coast terminals and

WHEREAS, At the express direction of the United States Food Administration grain was diverted and shipped to Chicago with the understanding on the part of the shipper that he would receive the same price as at Pacific coast terminals and

WHEREAS, The United States Food Administration at the Chicago terminal refused to allow a premium for sacks and charged the shipper two cents per bushel additional for bulking the grain, offering him the alternative of selling the sacks on the open market for what they would bring or returning them at his expense, and

WHEREAS, Such arbitrary action on the part of the Food Administration resulted in substantial loss to a large number of shippers and growers in the State of Idaho,

NOW, THEREFORE, Your memorialists petition Congress to direct the Food Administration to reimburse growers and shippers for the loss so incurred.

The Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and to forward copies to the President of the United States, The United States Food Administration Grain Corporation and to the members of the Idaho Congressional Delegation.

Passed the Senate on the 8th day of March, 1919.

Passed the House of Representatives on the 8th day of March, 1919.

## SENATE CONCURRENT RESOLUTION NO. 3.

*Be it Resolved by the Senate, the House of Representatives Concurring:*

That all bills introduced in either House of the Legislature amending existing laws shall have in the engrossed and enrolled copies thereof all amendatory matter underlined or underscored, and asterisks shall be inserted, indicating the parts stricken, and when the session laws are printed they be printed in like manner.

Passed the Senate on the 16th day of January, 1919.

Passed the House of Representatives on the 28th day of January, 1919.

## SENATE CONCURRENT RESOLUTION NO. 4

A RESOLUTION INDORSING THE GOVERNOR'S CABINET.

*Resolved by the Senate of the State of Idaho, the House of Representatives Concurring Therein:*

That the Legislature of the State of Idaho approves as a measure in the public interest the proposal of his Excellency, Hon. D. W. Davis, to form an advisory governor's cabinet, composed of the heads of departments appointed by him and the elective officers of the State.

Passed the Senate on the 6th day of February, 1919.

Passed the House of Representatives on the 21st day of February, 1919.

## SENATE CONCURRENT RESOLUTION NO. 5.

*Be it Resolved by the Senate of the State of Idaho, the House of Representatives Concurring Therein:*

That a special committee be appointed consisting of two senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, to investigate the fiscal affairs of the Adjutant General's department during the preceeding four years.

That the said special committee be, and is hereby, directed to summon such witnesses and take such testimony and to make such findings and report as it shall find that circumstances may justify.

Passed the Senate on the 27th day of January, 1919.

Passed the House of Representatives on the 28th day of January, 1919.



## HOUSE JOINT MEMORIAL NO. 2.

## A JOINT MEMORIAL

MEMORIALIZING THE CONGRESS OF THE UNITED STATES FOR THE PASSAGE OF AN AMENDMENT TO THE BILL INTRODUCED BY SENATOR BANKHEAD IN THE UNITED STATES SENATE ON DECEMBER 4, 1918, KNOWN AS S. 5085, ALSO THE SAME AMENDMENT TO A BILL INTRODUCED IN THE UNITED STATES SENATE BY SENATOR SWANSON ON DECEMBER 5, 1918, KNOWN AS S. 5098, ALSO THE SAME AMENDMENT, TO A BILL INTRODUCED BY MR. SHACKLEFORD IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES ON DECEMBER 12, 1918, KNOWN AS H. R. 13354, AND ALSO TO ANY OTHER SIMILAR BILLS INTRODUCED IN CONGRESS, IN ORDER TO PROVIDE A MORE EQUITABLE APPLICATION OF FEDERAL AID FOR POST ROADS IN THE SPARSELY SETTLED STATES, AND TO PROVIDE A MORE REASONABLE TIME LIMIT FOR THE AVAILABILITY OF SUCH FEDERAL AID.

*We, Your Memorialists, the House of Representatives and Senate of the State of Idaho, respectfully represents, That*

WHEREAS, There are pending in the Congress of the United States, bills known as S. 5088, S. 5098 and H. R. 13354, all of which provide for additional federal aid for post roads under the terms of the Act of Congress, approved July 11, 1916, and commonly known as the Federal Aid Road Act, and

WHEREAS, Section six of said Federal Aid Road Act provides that the United States shall not co-operate in any road project in an amount greater than fifty per centum of the total estimated cost thereof, and

WHEREAS, although additional federal aid for road building at the present time is highly desirable, nevertheless those states having large areas and relatively small populations will be unable to avail themselves of the benefits of this Act, as amended to provide additional federal aid, without a disproportionate burden of taxation,

NOW THEREFORE, Your Memorialists urgently request that the said bills, and other similar bills which may be introduced in the Congress of the United States, be so amended that Section six of the said Federal Aid Road Act will provide that in those states where the average population per square mile of area is one hundred persons or more, based upon the census of 1910, the United States shall not

co-operate in any road project in an amount greater than fifty per centum of the total estimated cost thereof; and that in those states where the average population per square mile of area, based on the census of 1910, is less than one hundred persons, the share of the United States shall be increased one-fourth of one per centum for each person, or major fraction thereof, less than one hundred per square miles, and furthermore,

WHEREAS, Section three of said Federal Aid Road Act provides that so much of the appropriation apportioned to any state for any fiscal year as remains unexpended at the close thereof, shall be available to such state only until the close of the succeeding fiscal year, and

WHEREAS, on account of the said provision of Section three of said Act, local conditions existing in some states render it practically impossible to comply with the terms of the Act,

NOW, THEREFORE, Your Memorialists also request that said bills now pending in Congress, and any other similar bills which may be introduced, be amended so that Section three of the said Federal Aid Road Act will provide that so much of the appropriation to any state for any fiscal year as remains unexpended at the close thereof, shall be available to such state until the close of the second succeeding fiscal year, and

BE IT RESOLVED, That a copy of this memorial be sent to each of the members of the Congressional delegation from the State of Idaho to the Congress of the United States, and to each body of said Congress.

Passed the House Jan. 15, 1919.

Passed the Senate Jan. 16, 1919.

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### HOUSE JOINT MEMORIAL NO. 3.

#### A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; That,*

WHEREAS, It is desirable that each state have a record of all of the persons resident therein who were mustered into any branch of the service of the United States during



the war with the German Empire and its allies; and

WHEREAS, the records of the army and navy departments of the United States are the only sources from which such information can be obtained in complete and accessible form,

NOW, THEREFORE, Your memorialists urgently request and recommend that Congress enact a law requiring the departments of the army and the navy to furnish such information upon requisition therefor to the respective states.

That the Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from this state.

Passed the House Jan. 24, 1919.

Passed the Senate Jan. 31, 1919.

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#### HOUSE JOINT MEMORIAL NO. 4.

##### A JOINT MEMORIAL

URGING THE CONGRESS OF THE UNITED STATES TO PURSUE A CONSTRUCTIVE POLICY IN RECLAIMING LANDS IN IDAHO FOR THE PURPOSE OF EMPLOYING RETURNED SOLDIERS AND SAILORS AND PREPARING LANDS FOR SETTLEMENT BY THE SAME.

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED:

*Your Memorialists, the House of Representatives and the Senate of the State of Idaho, Respectfully Represent, That*

WHEREAS: There are thousands of acres of tillable land in the State of Idaho that may be reclaimed by irrigation and development, and whereas our soldiers and sailors have served in the Army and Navy of the United States and have offered to sacrifice all, that our Country and our Commonwealth might be safe from peril and danger, and that we might live in peace and security, and,

WHEREAS a large number of these soldiers and sailors are out of employment and desire to establish homes and obtain farms whereby they may make a livelihood,

NOW, THEREFORE, Be it Resolved that we, your Me-

morialists, urgently recommend that you pursue a broad and constructive policy in reclaiming lands in our State, and that our returned soldiers and sailors be given employment on such reclamation projects, and

WE, Your Memorialists, further urge that you give soldiers and sailors the opportunities to obtain land from areas reclaimed and under easy conditions with long time payments.

AND BE IT FURTHER RESOLVED, that a copy of this Memorial be sent to each of the members of the Congressional Delegations from the State of Idaho to the Congress of the United States and to each body of said Congress.

Passed the House Jan. 16, 1919.

Passed the Senate Jan. 21, 1919.

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## HOUSE JOINT MEMORIAL NO. 6.

### A JOINT MEMORIAL

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent That,*

WHEREAS, The area within the county of Valley, State of Idaho, commonly known as the "Thunder Mountain Country," consisting of approximately 1,120,000 acres of unreserved and unappropriated public land of which not to exceed one per cent is agricultural in character, the balance being rich in natural resources consisting of extensive bodies of commercial timber, ore deposits, water power possibilities, wild game and grasses and other forage suited to the growing of livestock, and,

WHEREAS: Nearly 350,000 acres of this area have been swept by forest fires during the past 14 years, destroying approximately 700,000,000 feet of timber; the mineral and water power possibilities of the region are lying dormant and unproductive through lack of transportation facilities and means of communication; the wild life is being exterminated; grazing lands devastated by nomadic herds to the detriment of the property owners and residents of this state, and the area is contributing little or nothing to the



support of the county or State government or to the wealth of the surrounding communities, and,

WHEREAS: The inclusion of the said area within a national forest would eliminate the annual destruction of timber by forest fire; make it possible for homestead settlers to secure title to their lands under the Forest Homestead Act of June 11, 1906, without expense to them other than entry and final proof fees and without the necessity of awaiting public wagon roads, trails, bridges and telephone lines; give adequate system of regulated range use, thus conserving and perpetuating the forage resources for the benefit of the local residents and tax payers; make it possible for the state to realize upon its equity in the lands by relinquishing the unsurveyed school lands (Sections 16 and 36) and selecting more valuable lands elsewhere; increase the revenues of the county and State through the receipt of 35% of the gross receipts collected by the Forest Service; enlarge the power of the State to share in the benefits of the Federal Aid Road Act, and otherwise assist in opening to development and use the vast natural resources of the "Thunder Mountain" region,

NOW, THEREFORE BE IT RESOLVED, That we, your memorialists, earnestly request and recommend that action be initiated by your Honorable Body to create a national forest from the following described area within the County of Valley, State of Idaho, commonly known as the "Thunder Mountain" region: Beginning at a point where the Middle Fork of the Salmon River crossed the south line of Section No. 29, T. 14 N., R. 10 E., B. M., unsurveyed, and extending thence west to the southeast corner of Section 28, T. 14 N., R. 8E., B. M., unsurveyed; thence south one mile; thence west on the 3d standard parallel north, unsurveyed, to the southeast corner of Section 33, T. 14 N., R 7 E., B. M., unsurveyed; thence north to the township line between Ts. 18 and 19 N.; thence west 3 miles; thence north 6 miles; thence west 3 miles; thence north 12 miles to the 5th Standard parallel north; thence east on said parallel to the Middle Fork of Salmon River; thence up the Middle Fork of Salmon River to the place of beginning.

The Secretary of State of the State of Idaho is hereby instructed to forward a copy of this memorial to each of the members of the Congressional Delegation from the State of Idaho to the Congress of the United States.

Passed the House Feb. 8, 1919.

Passed the Senate Feb. 14, 1919.

## HOUSE JOINT MEMORIAL NO. 7.

## A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; That*

WHEREAS, post-war and re-construction conditions have brought these United States of America many problems of great import, and perhaps one of the greatest importance is the question of Government control or ownership of the railways of the United States: and

WHEREAS, our President has turned to Congress for counsel on this momentous subject, admitting his inability to solve the problem: and

WHEREAS, the management of the Railroads by the Government under the present arrangement has not been productive of efficient service to the public, and would not be satisfactory in times of peace, and a continuation of the present course would create and continue unsatisfactory economic conditions throughout the United States:, and

WHEREAS, we feel that the Congress of the United States will, by being informed by public sentiment, be better able to solve and direct the course of the problem, and recognizing the necessity of relinquishing control of the railroads as quickly as possible, and the certainty of conditions that said release of the railroads by the Federal Government would immediately establish;

THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the State of Idaho that we favor the return of the railroads to their owners as immediately as it can be accomplished without confusion or losses:

BE IT FURTHER RESOLVED that we believe and think private ownership under strong Government control and regulation, in service, income and disbursements is desirable, and we do not believe Federal Government ownership of railroads is for the best interests of the people at this time:

BE IT FURTHER RESOLVED that the Secretary of State of the State of Idaho forward properly authenticated copies of this resolution to each United States Senator and member of Congress for their consideration; and a copy to



the Chief Clerks of the House of Representatives and the Senate of each state.

Passed the House Feb. 17, 1919.

Passed the Senate Feb. 24, 1919.

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## HOUSE JOINT MEMORIAL NO. 8.

### A JOINT MEMORIAL

TO THE CONGRESS OF THE UNITED STATES:

*Your Memorialists, the Legislature of the State of Idaho,  
Respectfully Represent, that*

WHEREAS: There is a nation wide demand to stimulate industry and furnish work to returning soldiers and sailors by encouraging public improvements of all kinds;

WHEREAS: There is also a great demand to make permanent homes available to such soldiers and sailors out of the public lands of the United States;

WHEREAS: There are in the state of Idaho upwards of 2,000,000 acres of arid lands capable of being reclaimed by the construction of large irrigation projects, some of which have been surveyed and declared feasible by the United States Reclamation Service;

WHEREAS: The magnitude of such projects is such that only the federal government can undertake their construction; and

WHEREAS: The War Department owns large numbers of horses and mules with harness and equipment, tractors, motor trucks and electric cranes which can be converted into ditching machinery;

NOW, THEREFORE, BE IT RESOLVED, That we, your memorialists, do hereby recommend that Congress immediately authorize the United States Reclamation Service to proceed with the construction of the feasible irrigation projects in Idaho designed to reclaim public lands and make the necessary appropriation for such reclamation. Also that the above mentioned equipment be turned over by the war department to the Reclamation Service for use in said reclamation, and upon completion of said work that it be sold on liberal terms to the settlers on said tracts.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Repre-

sentatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed the House Feb. 2, 1919.

Passed the Senate Feb. 5, 1919.

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## HOUSE JOINT MEMORIAL NO. 9.

### A JOINT MEMORIAL

MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MAKE AN APPROPRIATION OF \$25,000.00 FOR THE IMPROVEMENT OF STAR ROUTES ON THE COEUR D'ALENE INDIAN RESERVATION, AND RUNNING THROUGH INDIAN ALLOTMENTS.

*We, Your Memorialists, the House of Representatives and Senate of the State of Idaho, respectfully represent: That,*

WHEREAS, The improvement of public highways on the Coeur D'Alene Indian Reservation from St. Maries to the Washington State line near Tekoa, Washington, and from the Washington State line to Tensed, thence to the Desmet Mission, thence to the Sanders Post Office, is a public necessity, and,

WHEREAS, The two public highways are both Star Routes with a mileage of 45 miles, and

WHEREAS, One-half of said roads are through Indian Allotments and are not taxable but are farmed by renters making it necessary for Benewah County to construct roads and maintain schools, and

WHEREAS, The Coeur D'Alene Indian Reservation is half the area of Benewah County and the said Indians do not contribute in taxes or otherwise to said roads,

NOW THEREFORE, BE IT RESOLVED That we, Your Memorialists, do recommend that \$25,000.00 be appropriated, or so much thereof as may be necessary, to assist in construction of above mentioned roads.

BE IT FURTHER RESOLVED That a copy of this memorial be sent to each of the members of the Congressional delegation from the State of Idaho to the Congress of the United States and to each body of said Congress.

Passed the House Feb. 17, 1919.

Passed the Senate Feb. 25, 1919.



## HOUSE JOINT MEMORIAL NO. 10.

## A JOINT MEMORIAL

TO THE HONORABLE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho Respectfully Represent: That,*

WHEREAS, There are thirty-five acres of meadow land in the Kootenai valley within Boundary county in the State of Idaho, subject to annual overflow from the said Kootenai River, and

WHEREAS, There are sixty thousand acres of meadow land in Kootenai Valley within British Columbia, Canada, subject to annual overflow from the said Kootenai River, said Kootenai Valley meadow land in British Columbia being contiguous to and adjoining said Kootenai Valley meadow lands in Idaho,

WHEREAS, the said meadow lands can be made valuable for farming purposes by draining same and by reason of said overflow said lands are rendered valueless for farming purposes, and

WHEREAS, by reason of a gravel bar having formed at the outlet of the west arm of Kootenai Lake, which outlet is located in British Columbia, thereby causing the waters of Kootenai River to rise to the height of about twenty-five feet annually, thus overflowing about ninety-five thousand acres of meadow land, thirty-five thousand acres of said overflowed land being in Boundary county, Idaho, and about sixty-thousand acres of said overflowed lands are in British Columbia, Dominion of Canada, and

WHEREAS, if said gravel bar is removed from the said outlet of Kootenai Lake, the water in said Lake and River will not rise to a height so as to cause said overflow.

WHEREAS, the said obstruction of said outlet of said Kootenai Lake and River is wholly within British Columbia, Dominion of Canada, and it is impossible for the State of Idaho to remove said obstruction from said outlet without cooperation of British Columbia, and

WHEREAS, the Government of British Columbia has signified its intentions to assist the United States in removing said obstruction from the outlet of Kootenai River and Lake, and

WHEREAS, the Government of British Columbia proposes to take charge of the removal of said obstruction and has made a careful and accurate survey of the waters of Kootenai Lake and River, and said Government of British Columbia proposes to do said work providing the Government of the United States will cooperate and appropriate their proportionate share of the cost of said work or reclamation, and

WHEREAS, the Government of British Columbia, in the Dominion of Canada, has already expended in British Columbia for surveys and preliminary work the sum of Sixty Thousand Dollars; the Government of United States has expended making surveys in the Kootenai Valley in Boundary County, Idaho, the sum of about Six Thousand Dollars,

WHEREAS, It will necessitate the further expenditure of the sum of One Million Dollars as the proportionate part of the total cost of such reclamation on the part of the United States Government, and

WHEREAS, The Government of British Columbia proposes to expend the further sum of One Million Dollars or more, as its proportionate part to complete said drainage project, and

WHEREAS, It is desired by your Memorialists that the Congress of the United States make the necessary appropriation to complete the proportionate part of the work to be done in British Columbia, Dominion of Canada, on such a drainage project on the part of the United States.

NOW THEREFORE, BE IT RESOLVED that the Congress of the United States is hereby petitioned to appoint a commission to confer with a like commission to be appointed by the Government of Canada, and the said joint commissions to formulate a treaty between the United States of America, and the Dominion of Canada in regard to the proposed reclamation work to be done in British Columbia; and to make an appropriation of the amount necessary to complete its proportionate part of said drainage project and to instruct the Secretary of State of the United States to enter into all necessary contracts with the Government of British Columbia to complete such drainage project.

The Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States, and copies thereof to the Secretary of State of the United States, and to our



Senators and Representatives in Congress, immediately upon its passage.

Passed the House Feb. 17, 1919.

Passed the Senate Feb. 25, 1919.

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### HOUSE JOINT MEMORIAL NO. 11.

TO THE CONGRESS OF THE UNITED STATES:

*Your Memorialists, the Members of the Legislature of the State of Idaho, Respectfully Petition: that*

A law be enacted by Congress authorizing the war department to give to honorable discharged soldiers and sailors the uniforms in which they are permitted to return home,

That the secretary of state of the state of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from this state.

Passed the House Feb. 17, 1919.

Passed the Senate Feb. 24, 1919.

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### HOUSE JOINT MEMORIAL NO. 12.

#### A JOINT MEMORIAL

TO THE CONGRESS OF THE UNITED STATES:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; that*

WHEREAS, The stock buyers and packers operating in the Pacific Northwest in their purchases from farmers and stockmen before the war made a distinction in the price of cow beef and steer beef from seventy-five cents to one dollar on the hundred in favor of the latter, and sold the same to the consuming public without distinction of price, and since the commencement of the war have paid to the producer a difference of five dollars per hundred in the two classes of beef, but have continued to sell cow beef to the consumer at the price of steer beef; and

WHEREAS, We condemn this form of profiteering among the many other forms practiced by the packers and stock buyers.

NOW, THEREFORE, Your memorialists respectfully

petition that Congress authorize an investigation with a view to correcting this evil so that the producer may not be unjustly discriminated against and that the consumer will not have to pay the top price for inferior grade.

The Secretary of State is hereby instructed to forward copies of this Memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

Passed the House Feb. 17, 1919.

Passed the Senate Feb. 21, 1919.

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### HOUSE JOINT MEMORIAL NO. 13.

#### A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent: That,*

WHEREAS, The Title to lands embraced in allotments to Indians on former Indian Reservations in the State of Idaho, under the Act of \_\_\_\_\_, and agreements made with different Indian Tribes pursuant to that Act, is held in trust by the United States for a term of twenty-five (25) years from the date of allotment; and,

WHEREAS, The State of Idaho in harmony with the policy of the United States expressed in the Federal Aid Road Act (Act of July 11th, 1916) has approved the construction of numerous highways of great public importance, appropriated large sums of money therefor, and entered into agreements with the Secretary of Agriculture for the building of said highways in accordance with the co-operative procedure prescribed by the Secretary of Agriculture in that regard, and

WHEREAS, Such highways so agreed upon, authorized and appropriated for, when located on most desirable routes and where construction can be most economically effected, will in various localities pass through and across said allotted lands for considerable distances; and

WHEREAS, Such highways when completed will confer great and lasting benefits upon the allotted lands through which they pass, and upon the allottees, the wards of the United States, and



WHEREAS, The securing of necessary rights of way for such highways through and across said allotted lands is, because of the paramount title of the United States, exceedingly difficult by ordinary methods and seriously retards the prompt accomplishment of the purposes of said Federal Aid Road act; and

WHEREAS, Said allotted lands, so held in trust by the United States are not subject to taxation during the trust period, and therefore, cannot be made to contribute towards the construction of such highways in return for or recognition of the direct benefits derived from such construction;

NOW, THEREFORE, your Memorialists, the Senate and House of Representatives of the State of Idaho respectfully request and urgently recommend that the Congress take such action as may be deemed fit to cause highways contemplated by the provisions of the Federal Aid Road Act, when such highways pass through and across Indian Allotments the title to which is held in trust by the United States, to be built and constructed wholly at the expense of the United States and without charge against the State or other agency co-operating in the general construction of such highways.

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## HOUSE JOINT MEMORIAL NO. 14.

### A JOINT MEMORIAL.

TO THE CONGRESS OF THE UNITED STATES:

*Your Memorialist, the Legislature of the State of Idaho,  
Respectfully Represents; That*

WHEREAS, During the great war the action of certain aliens in surrendering their first papers for the purpose of claiming exemption from military service and of other alien residents of this country who claimed exemption from military service on the ground of noncitizenship was such as to brand them as undesirable residents of this country; and

WHEREAS, Many of these same aliens, after having evaded the duties of citizenship are now seeking its benefits and are continuing to hold positions which should be open to returned soldiers, sailors and marines; and

*WHEREAS, Many foreign born residents, some of whom had become naturalized have openly shown their disloyalty to this country and been convicted under the Espionage Act; and*

WHEREAS, Congress is considering a bill to restrict immigration, we, your memorialist, respectfully petition; That Congress enact the necessary laws to deport all aliens who claimed exemption from military service on the ground of noncitizenship, *and to cancel and rescind the naturalization papers of and to deport all foreign born citizens of this country who have been convicted under the Espionage Act.*

That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from this state.

Passed the House Feb. 20, 1919.

Passed the Senate Feb. 26, 1919.

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### HOUSE JOINT MEMORIAL NO. 15.

#### A JOINT MEMORIAL

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA,  
IN CONGRESS ASSEMBLED.

*Your Memorialists, the Legislature of the State of Idaho,  
Respectfully Represent: That,*

WHEREAS, There are thousands of acres of cut over stump lands in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Idaho and Lewis counties in the state of Idaho, which when cleared will make good homes for thousands of returned soldiers, sailors and marines and their families and will grow successfully large crops of hay, grain and vegetables without irrigation;

WHEREAS, said cut over lands are valueless in their present condition for agricultural purposes; and the clearing and improving thereof will make them a valuable asset to the state of Idaho and the United States;

WHEREAS, the Government of the United States has hundreds of tons of T. N. T. powder which were left over from the war in Europe and are available for the blowing out of stumps and improving of said lands; and

WHEREAS, many farmers are unable to clear their farms of said stumps on account of the high cost of powder; and

WHEREAS, said powder if not used will rapidly depreciate and become valueless; and



WHEREAS, it is desired by your Memorialists that the Government of the United States distribute said powder to said counties upon an application being made by the board of county commissioners of any county requiring the use thereof for the purpose of blowing out of said stumps and clearing said land,

NOW, THEREFORE, BE IT RESOLVED: That the Congress of the United States is hereby petitioned to distribute T. N. T. powder for the blowing out of stumps to any county which makes application therefor through its board of county commissioners.

BE IT FURTHER RESOLVED: That the secretary of state is hereby instructed to forward this Memorial immediately upon its passage to the Senate and House of Representatives of the United States and copies thereof to the Secretary of War of the United States, and to our Senators and Representatives in Congress and to F. W. Hanna, Consulting engineer of cut over and swamp lands, Washington, D. C.

Passed the House Feb. 10, 1919.

Passed the Senate Feb. 15, 1919.

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## HOUSE JOINT MEMORIAL NO. 16.

### A JOINT MEMORIAL.

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED:

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; That*

WHEREAS, the course of the Clearwater River and its tributaries travelled by Lewis and Clark in their early explorations of the Pacific Northwest, afford a logical water grade route for a state highway across the north central portion of Idaho; and

WHEREAS, the construction of a suitable wagon road on a water grade over which auto trucks and general travel can be operated up the main Clearwater River in Nez Perce, Clearwater, Lewis, and Idaho Counties, State of Idaho, beginning at the city of Lewiston and extending to the town of Kooskia, and thereby connecting with a proposed road beginning at the town of Kooskia and extending thence up the south fork of the Clearwater River to the gold mining

districts of Elk City, Dixie, and Buffalo Hump, is a public and national necessity; and

WHEREAS, a suitable wagon road on water grade up the Clearwater River, and between the city of Lewiston and the town of Kooskia would be a great convenience to a large section of country devoted to agriculture, lumbering, and mining, and

WHEREAS, such highway would serve the three National Forests of Clearwater, Selway and Nez Perce, and render accessible productive but sparsely settled communities in the vicinity thereof, and

WHEREAS, where said route has been designated by the State Highway Commission of the State of Idaho, for the location of a state Highway to be known as the Lewis & Clark State Highway, and

WHEREAS, such a highway is a necessary link in a thoroughfare extending from Missoula, Montana, to the Pacific Coast, on which construction work is now under way at various points, and

WHEREAS, such highway would serve the Nez Perce Indian Reservation and non-taxable lands included therein and now held in trust for the Indians by the Federal government, and

WHEREAS, said proposed highway on water grade up the main branch of the Clearwater River between the city of Lewiston and the town of Kooskia would serve the towns and communities located around Lapwai, Arrow Junction, Myrtle, Lenore, Agatha, Peck, Ahsahka and all country lying up the South, Middle and North Fork of the Clearwater River in which particular sections there are vast areas of most valuable timber land belonging to the State of Idaho and unpatented lands belonging to the Federal government, comprising the largest compact body of white pine in the United States; the town of Orofino and all the country located around Weippe, Pierce City, Greer, Pardee, Woodland, Kamiah, and Kooskia, all known to be agricultural, timber and mining sections, and with transportation yielding a large output of all of these commodities, and would furnish added means of employment to our returning soldiers, sailors and marines, and

WHEREAS, the development of mining, lumbering and agricultural pursuits along said main Clearwater River requires the construction of a standard highway, and the cost thereof for the reason aforesaid would be a heavy burden



upon the tax-payers of the several highway districts and counties along said route without State and Federal assistance in the construction thereof, and

WHEREAS, such a highway would not only be a great benefit in the opening up of the several districts mentioned, but would ultimately be extended and be another artery or highway extending into the heart of one of the largest sections of the country in the northern part of the State of Idaho connecting with the North and South State Highway, and would be of great benefit to the government in its Forest protection and operation and would also open up vast timber lands and would be a great accommodation to thousands of citizens of Idaho along said route or adjacent thereto; Now, therefore,

BE IT HEREBY RESOLVED, That we, Your memorialists, do recommend that Five Hundred Thousand Dollars (\$500,000.00) be appropriated by Congress of the United States to be expended through the office of public roads, in cooperation with the State Highway Commission of the State of Idaho, towards the cost of construction of said Lewis & Clark State Highway; and

BE IT FURTHER RESOLVED, that a copy of this memorial be sent to each of the members of the congressional delegation from the State of Idaho to the Congress of the United States, and to each body of said Congress.

Passed the House Feb. 21, 1919.

Passed the Senate March 1, 1919.

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## HOUSE JOINT MEMORIAL NO. 17.

### A JOINT MEMORIAL.

TO THE CONGRESS OF THE UNITED STATES, PROTESTING AGAINST THE ACTION OF THE SECRETARY OF WAR IN GRANTING HONORABLE DISCHARGES TO CONSCIENTIOUS OBJECTORS.

*Your Memorialists, the Legislature of the State of Idaho, Respectfully Represent; That,*

WHEREAS, By a recent order of the secretary of war conscientious objectors, general prisoners at the United States Disciplinary Barracks, Fort Leavenworth, Kansas, who refused to wear the uniform of our country have been honorably discharged from the service with full pay,

NOW, THEREFORE, We your memorialists do hereby

protest in the name of our loyal sons and in the name of thousands of loyal homes against this discrimination by our government against our heroic soldiery.

The issuance of new clothes and the payment of wages to conscientious objectors encourages disloyalty and dishonors patriotism. The action of the secretary of war in paying the conscientious objectors who have been snug and safe and well fed a soldier's wage is an incentive to discontent and is a reflection on every man who wore the uniform. We resent such a policy for it exalts slackerism and pacifism by making them both safe and profitable. Our soldiers and sailors risked all for the nation and should be honored. Their wage, though small, should be a wage of honor. An honorable discharge from the United States army will under legislation pending both in state legislatures and in congress entitle its holder to preferred rights which should under no circumstances be granted to those who evaded the duties of citizenship.

That the Secretary of State of the State of Idaho is hereby instructed to forward this Memorial to the Senate and House of Representatives of the United States of America, and that copies be sent to the Senators and Representatives in Congress from this State.

Passed the House Feb. 24, 1919.

Passed the Senate Feb. 27, 1919.

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### HOUSE JOINT MEMORIAL NO. 18.

#### A JOINT MEMORIAL

MEMORIALISING THE CONGRESS OF THE UNITED STATES  
TO PASS SENATE BILL 313.

TO THE HONORABLE, THE SENATE AND HOUSE OF  
REPRESENTATIVES OF THE UNITED STATES OF  
AMERICA IN CONGRESS ASSEMBLED:

*Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent, that*

WHEREAS, the people of the State of Idaho, have for many years in the past suffered under a most unjust and oppressive discrimination in transcontinental railroad freight rates, because the transcontinental railroads have been permitted to charge or assess higher rates upon freight traffic originating in the Eastern portion of the United States, destined for Idaho, than were charged or assessed



upon freight traffic originating in the same territory and destined for the more distant cities on the Pacific Coast, such as Portland, Oregon, and have also been permitted to charge higher freight rates upon freight traffic originating in the State of Idaho, and consigned to the markets in the Eastern cities of the United States than was charged on similar shipments from the more distant cities and localities on the Pacific Coast, and

WHEREAS, said discriminatory and preferential system of freight charging has been defended upon the theory that the same was forced and compelled because of the presence of water competition at Portland and other Pacific Coast terminal points and such defense has been found to be without merit, and

WHEREAS, said system of charging higher freight rates for a short haul than is charged for a longer haul cannot be predicated upon any principle of just or fair dealing to the people of Idaho, and this Intermountain country, and

WHEREAS, the effect of said higher charging for the short haul to and from said less-distant points has resulted in retarding the growth and development of Idaho's industrial and commercial prosperity, and in restricting the state's growth, population and wealth, and

WHEREAS, the methods now provided by law for obtaining relief from such an unjust situation before the Interstate Commerce Commission are uncertain, exceedingly slow, expensive and unsatisfactory, and

WHEREAS, there is now pending in the United States Senate a bill designated Senate Bill No. 313 introduced by Senator Poindexter of the State of Washington, designed to prevent said discriminatory and preferential system of freight rate charging with reference to long and short hauls, and designed to give some measure of relief to the Intermountain country;

NOW, THEREFORE, BE IT RESOLVED: That we, the House of Representatives of the State of Idaho, the Senate concurring, do earnestly request and recommend that the above-mentioned bill be taken up and voted on at the earliest possible date to the end that said bill may as soon as possible become a law and be it further resolved, that the Senators and Representatives in Congress from the State of Idaho are requested to support said bill and work earnestly for its passage.

The Secretary of the State of Idaho, is hereby instructed to forward this memorial to the Senate and House of Rep-

representatives of the United States of America, and to send copies of the same to our Senators and Representatives in Congress.

Passed the House March 3, 1919.

Passed the Senate March 8, 1919.

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## HOUSE JOINT MEMORIAL NO. 20.

### A JOINT MEMORIAL

MEMORIALIZING THE CONGRESS OF THE UNITED STATES  
IN RELATION TO THE PROPOSED LEAGUE OF NATIONS.

TO THE HONORABLE, THE SENATE AND HOUSE OF  
REPRESENTATIVES OF THE UNITED STATES OF  
AMERICA IN CONGRESS ASSEMBLED:

*Your Memorialists, the House of Representatives and Senate of the State of Idaho, Respectfully Represent, that*

WHEREAS, Section 2, Article 2, of the Constitution of the United States gives the President power to make treaties by and with the advice and consent of the Senate, and

WHEREAS, there is now in progress the greatest peace negotiating conclave in the history of the world, the United States being one of the members of said convention, and

WHEREAS, The President of the United States, has, contrary to the wishes and desires of the majority of the people of the United States of America, and without the advice or consent of the Senate of the United States, attempted to force through said convention and to foist upon the American people as one of the essential elements of the treaties of peace to be promulgated by said convention, a proposition favoring and organizing a so-called League of Nations, and

WHEREAS, the substance of the proposed draft of the so-called League of Nations is obscure, vague, ambiguous, and tending to bring about greater confusion and distrust and hostility among the various nations of the world, and

WHEREAS, the theory of said League of Nations is impractical, visionary, and subversive of the international principals heretofore controlling in the foreign relationships of the United States of America, and

WHEREAS, the President of the United States has defied Congress and the people of the United States to oppose the organization of such a League of Nations, and



WHEREAS, some thirty-seven Senators have pledged themselves to oppose the ratification of a treaty adopting said League of Nations,

NOW THEREFORE, BE IT RESOLVED: That we, the House of Representatives of the State of Idaho, the Senate concurring, do earnestly request and recommend that the Senate of the United States oppose absolutely the theory as indicated by the Constitution of the League of Nations and oppose said Constitution of the League of Nations becoming a part of or being in any way included in the peace treaties to be made or entered into by the United States, and

BE IT FURTHER RESOLVED: That they hereby ratify, and give their unqualified approval to, the stand and position taken by the above mentioned thirty-seven Senators in recording themselves as opposed to said League of Nations at the present time, and

BE IT FURTHER RESOLVED: That they resent the defiant and dictatorial attitude of the President of the United States in his recent statements in which he has attempted to force his personal views and opinions upon the people of the United States, irrespective of their desires in the matter.

The Secretary of the State of Idaho is hereby instructed to forward this memorial to the Senate and house of Representatives of the United States of America, and to send copies of the same to our Senators and Representatives in Congress.

Passed the House March 6, 1919.

Passed the Senate March 8, 1919.

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### HOUSE CONCURRENT RESOLUTION NO. 3.

*Be it Resolved by the House of Representatives of the State of Idaho, the Senate Concurring:*

That a joint committee, composed of the State Affairs Committee of the House and Senate, be and they hereby are authorized and empowered to appoint special committees from the members of their Joint Committee, whose duty it shall be to investigate and report on such of the State Institutions as the said joint committee may deem it necessary to investigate, and to incur all necessary expenses required in making such investigation, including clerk hire, traveling expenses and the necessary expenditures of procuring witness, and said Joint Committee and said special Com-

mittee are hereby authorized and empowered to cause and compel the attendance of the necessary witness in making any such investigation.

Passed the House Jan. 28, 1919.

Passed the Senate Jan. 29, 1919.

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#### HOUSE CONCURRENT RESOLUTION NO. 5.

WHEREAS the people of the State of Idaho desire to honor the Soldiers, Sailors and Marines who entered the service from this State to fight in the war with Germany by bestowing upon each of them an appropriately designed Badge of Honor. And

WHEREAS it is proposed in an act providing for such Badge of Honor that same shall be made of metal taken from cannon captured from German troops in battle in which Idaho soldiers were engaged. Now, therefore

*Be it resolved by the House of Representatives of the State of Idaho, the Senate concurring:*

That the Senators and Representatives from Idaho in the United States Congress are hereby requested to procure from the War Department as a grant or gift to this State, cannon captured from German troops in battle in which Idaho soldiers took part sufficient to manufacture Badges of Honor for all and every Soldier, Sailor and Marine who at the time of entering the service was a citizen of Idaho and who has been honorably discharged from such service or who may be now serving therein.

RESOLVED, FURTHER, that the Secretary of State of the State of Idaho, be and hereby is instructed to forward copies of this resolution to our Senators and Representatives in Congress at Washington.

Passed the House Feb. 14, 1919.

Passed the Senate Feb. 20, 1919.

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#### HOUSE CONCURRENT RESOLUTION NO. 6.

RESOLVED by the House of Representatives of the State of Idaho, the Senate concurring, that the House of Representatives and the Senate of the State of Idaho meet in Joint Session, February 5, 1919, at the house of 3 o'clock P.



M. to meet the delegation from the Legislature of the State of Washington.

Passed the House Feb. 5, 1919.

Passed the Senate Feb. 5, 1919.

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## HOUSE JOINT RESOLUTION NO. 1

### JOINT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

WHEREAS, Both houses of the Sixty-fifth Congress of the United States of America in its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

“Joint resolution proposing an amendment to the Constitution of the United States.

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

#### “ARTICLE.....

“SECTION 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

“SEC. 2. That Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

“SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided by the Constitution, within seven years from the date of the submission hereof to the States by the Congress.”

Therefore, Be it resolved by the Legislature of the State of Idaho:

SECTION 1. That the said proposed amendment to the

Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Idaho.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Passed the House January 7, 1919.

Passed the Senate January 8, 1919.

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### HOUSE JOINT RESOLUTION NO. 5.

#### A JOINT RESOLUTION

RESOLVED That a Committee of three from the House and two from the Senate be appointed to arrange a memorial service for Theodore Roosevelt.

Passed the House Feb. 3, 1919.

Passed the Senate Feb. 7, 1919.

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### HOUSE JOINT RESOLUTION NO. 6.

#### A JOINT RESOLUTION

PROPOSING AMENDMENT OF SECTION 6 OF ARTIVLE V OF THE STATE CONSTITUTION AND SUBMITTING TO THE ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION THE QUESTION OF WHETHER SAID SECTION SHALL BE SO AMENDED THAT THE SUPREME COURT SHALL CONSIST OF FIVE JUSTICES INSTEAD OF THREE.

WHEREAS, the growth of the state since its admission to the Union in 1890, has brought a great increase in the volume and importance of litigation coming for final decision before the supreme court, and

WHEREAS, the membership of the court under the constitution is limited to three justices, who, notwithstanding their ability and industry, are unable to keep up with the growing volume of work, and

WHEREAS, the present congested condition of the supreme court calendar, through no fault on the part of the court, practically leads to a denial of justice in many cases



by reason of the delay incident to the hearing of causes and appeals, and

WHEREAS, Idaho has arrived at that point in its growth where a larger court is necessary to carry on the ordinary and regular business of the court:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF IDAHO:

SECTION 1. That that portion of Section 6, of article V of the state constitution, reading as follows:

"The supreme court shall consist of three justices, a majority of whom shall be necessary to make a quorum or pronounce a decision." be amended to read as follows:

"The supreme court shall consist of *five* justices, a majority of whom shall be necessary to make a quorum or pronounce a decision, *"At the general election at which this amendment is submitted, the legislature shall make provision for the election of two additional justices, one for the term of four years and one for the term of six years, and if this amendment is ratified, the justices so elected shall take office on the first Monday of January, 1921."*

SEC. 2. The question to be submitted to the electors of the state at the next general election in order to determine whether they will approve or reject the amendment proposed in Section 1, shall be as follows:

"Shall section 6 of article V of the state constitution be amended so as to increase the membership of the supreme court from three to five justices and providing for the election and terms of office of said additional justices?"

SEC. 3. The secretary of state is hereby authorized to make publication of these proposed constitutional amendments in each county once a week for six consecutive weeks prior to the next general election in a newspaper of general circulation published in each county.

Passed the House Feb. 14, 1919.

Passed the Senate Feb. 21, 1919.

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## HOUSE JOINT RESOLUTION NO. 8.

### A JOINT RESOLUTION

TO BE SUBMITTED TO THE ELECTORS OF THE STATE OF IDAHO FOR REJECTION OR APPROVAL, AMENDING SECTION 9, OF ARTICLE V, OF THE STATE CONSTITU-

TION RELATING TO THE JURISDICTION OF THE SUPREME COURT.

*Be it Resolved, by the House of Representatives of the State of Idaho, the Senate Concurring:*

SECTION 1. That Section 9, of Article V, of the Constitution of the State of Idaho be amended to read as follows:

“Section 9. JURISDICTION OF SUPREME COURT. The supreme court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges thereof, *and any order of the public utilities commission: the Legislature may provide conditions of appeal, scope of appeal, and procedure on appeal from orders of the public utilities commission.* The supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

SEC. 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

Shall Section 9, of Article V, of the Constitution of the State of Idaho be amended so as to provide that the supreme court shall have jurisdiction of appeals from orders of the public utilities commission.

SEC. 3. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election in one newspaper of general circulation published in each county.

Passed the House Feb. 15, 1919.

Passed the Senate Feb. 26, 1919.

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HOUSE JOINT RESOLUTION NO. 10.

A JOINT RESOLUTION.

PROPOSING AMENDMENT OF SECTION 8, ARTICLE 9 OF THE CONSTITUTION OF THE STATE OF IDAHO; SUBMITTING TO THE ELECTORS OF SAID STATE FOR THEIR APPROVAL OR REJECTION THE QUESTION OF WHETHER SAID SECTION SHOULD BE SO AMENDED AS TO PERMIT THE SALE ANNUALLY OF 200 SECTIONS OF SCHOOL LANDS INSTEAD OF 100 SECTIONS AS NOW PROVIDED.

*Be it Resolved by the Legislature of the State of Idaho:*

SECTION 1. That the second proviso of section 8 of ar-



ticle 9 of the constitution of the state of Idaho be amended to read as follows:

*“Provided, That not to exceed two hundred (200) sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed three hundred and twenty (320) acres of land to any one individual, company or corporation.”*

SEC. 2. The question to be submitted to the electors of the state at the next general election in order to determine whether they will approve or reject the amendment proposed in section 1, shall be as follows:

“Shall section 8 of article 9 of the constitution of Idaho be amended so as to permit the sale annually of two hundred (200) sections of school land in place of one hundred (100) sections?”

SEC. 3. The secretary of state is hereby authorized to make publication of this proposed constitutional amendment in each county once a week for six consecutive weeks prior to the next general election in a newspaper of general circulation published in each county.

Passed the House February 21, 1919.

Passed the Senate March 6, 1919.

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## HOUSE JOINT RESOLUTION NO. 12.

### A JOINT RESOLUTION

RELATING TO THE CUTTING OF TIMBER UPON THE SHORES  
OF PAYETTE LAKE.

WHEREAS the State of Idaho owns large tracts of land on Big Payette Lake in Valley County, Idaho, and which lands are covered with timber; and

WHEREAS to cut the timber upon the slopes facing the said Lake would destroy in large part the natural beauty of the same;

NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE  
STATE OF IDAHO:

That the State Board of Land Commissioners are hereby prohibited from selling, cutting, or otherwise disposing of any of the timber upon any land belonging to the State of

Idaho lying upon the slopes facing the said Big Payette Lake.

Passed the House March 3, 1919.

Passed the Senate March 5, 1919.

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## HOUSE JOINT RESOLUTION NO. 13.

### A JOINT RESOLUTION

PROPOSING AN AMENDMENT OF SECTION 2, ARTICLE 8, OF THE CONSTITUTION OF THE STATE OF IDAHO AND SUBMITTING TO THE ELECTORS OF THE STATE FOR THEIR APPROVAL OR REJECTION THE QUESTION WHETHER SAID SECTION SHALL BE SO AMENDED.

*Be it Enacted by the Legislature of the State of Idaho:*

SECTION 1. That Section 2, of Article 8 of the State Constitution reading as follows:

“The credit of the state shall not, in any manner, be given, or loaned to, or in aid of any individual, association, municipality or corporation; nor shall the state directly or indirectly, become a stockholder in any association or corporation,”

be amended to read as follows:

“The credit of the state shall not, in any manner, be given, or loaned to, or in aid of any individual, association, municipality or corporation; nor shall the state directly or indirectly, become a stockholder in any association or corporation, *Provided, That the state itself may control and promote the development of the unused water power within this state.*

SEC. 2. The question to be submitted to the electors of the state at the next general election in order to determine whether they will approve or reject the amendment proposed in section 1, shall be as follows:

“Shall section 2 of article 8 of the Constitution of the State of Idaho be amended to read as follows:

“The credit of the state shall not, in any manner, be given, or loaned to, or in aid of any individual, association, municipality or corporation; nor shall the state directly or indirectly, become a stockholder in any association or corporation. *Provided, That the state itself may control and promote the development of the unused water power within this state.*”



SEC. 3. The Secretary of State is hereby directed to publish this proposed constitutional amendment for six consecutive weeks prior to the next general election, in one newspaper of general circulation published in each county.

Passed the House Feb. 24, 1919.

Passed the Senate March 8, 1919.

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UNITED STATES OF AMERICA  
STATE OF IDAHO.

I, ROBERT O. JONES, Secretary of State of the State of Idaho, do hereby certify that the foregoing printed volume contains true and literal copies of all the laws, memorials and resolutions passed by the Legislature of the State of Idaho at the Fifteenth Session thereof, which convened on the 6th day of January, 1919, and adjourned on the 8th day of March, 1919, as appears from the enrolled acts, memorials and resolutions on file in this office, all of which are published by authority of the laws of the State of Idaho.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this 26th day of March, in the year of our Lord, One Thousand Nine Hundred and Nineteen, and of the independence of the United States of America, the One Hundred and Forty-third.



*Robert O. Jones*

*Secretary of State.*





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